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ABSTRACT

The collection of nine papers provides information on the history and culture of the Mississippi Band of Choctaw Indians. Written by college-bound Choctaw high school students, the papers present topics on the lives of two Choctaw chiefs, Apukshunnubbee and Mushulatubbee; traditional Choctaw ceremonies (wedding and funeral customs, and social dances); Choctaw games and competition (stickball, chungkee, rabbit sticks, and blowguns); Choctaw arts and crafts (basketry, beading, sticks and stickballs, blowguns, and drum making); Choctaw health and medicine; Treaty of Doak's Stand; Treaty of Washington City; events leading to the Treaty of Dancing Rabbit Creek; and an introduction to the Choctaw Tribal Code. Two of the papers contain questionnaires and responses of Choctaw high school students, tribal employees and community members concerning their knowledge of Choctaw ceremonies and the three treaties affecting their tribe. Black and white photographs, maps, and treaties appropriately illustrate each paper. (ERB)

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A CHOCTAW ANTHOLOGY II

CHOCTAW HISTORY, CULTURE, AND CURRENT EVENTS

CHCCE

MISSISSIPPI

BAND OF CHOCTAW INDIANS

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This is a student written text developed
by
Choctaw History, Culture, and Current Events Students
at
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FOREWORD

The articles herein are the "first works" of students in Choctaw Central High School College Preparatory Class of 1983-1984. While this is not an authoritative Choctaw history, I think you will find the work of some of our students of interest as they begin their quest for Choctaw history, culture, current events, and post secondary education.

This book has been written by the college prep class which is funded by the United States Department of Education Indian Education Program, Title IV, Part B. The papers in this anthology are the students' first effort in research and writing. The readers should not consider these papers the work of scholars; they are the work of high school students who are writing their first research papers. The reader should be aware that the tribe does not endorse all the footnotes that are used by the student authors as several of them are questioned by tribal authorities. Researchers looking for material related to the tribe should contact the Museum of the Southern Indian, at the tribal address.

The CHCCE class was developed as an experiment by the Choctaw Department of Education. Only students who are interested in pursuing college careers attend the class; and the purpose of the course work is to provide students with the necessary reading, research, creative and technical composition, vocabulary development, and study skills to succeed in post-secondary work. This anthology is the achievement of the second CHCCE class, and additional booklets are planned for future classes.

The papers in this publication were edited by the CHCCE staff according to three criteria: clarity, source verification, and mechanics. The editors have also provided limited additional information to expand original drafts. Variant spellings of Choctaw names or terms appear throughout the text as cited in each source, and spelling has been corrected where the misspelled word was considered a typographical error.

The readers of this anthology are invited to wend their way through these chapters, bearing in mind that the authors were Choctaw high school students. The material in these papers consists of primary and secondary sources; however, it is recommended that this series be viewed only as a project by high school students, and not as a text book or as a source for research.

The CHCCE students and staff have my admiration and encouragement for their dedication to the task at hand, and for their efforts in preparing for the future in a progressive, determined manner--complimented with a strong foundation in Choctaw tribal history and culture.

Phillip Martin

Phillip Martin, Chief
Mississippi Band of Choctaw Indians

Dedication to the CHCCE Students

As you enter a new realm of your life . . .

Touch the senses of those about,
See the beauty all around,
Hear the melodies of the universe,
Send deep for the special sound.

Sort through, pass up the unwanted,
Strive to hang on to the real you,
Explore with an open mind,
Keep your eyes on your culture's view.

Dare to accept happiness,
Cherish those you love,
Taste the bounty of life,
Go beyond, around, reach above.

Become one with nature,
Remember your heritage with tender care,
Take time, always, to reach back,
To your special home, waiting there.

—Jane Anderson
Teacher and Editor
Choctaw History, Culture, and Current Events

Tribute to the Choctaws

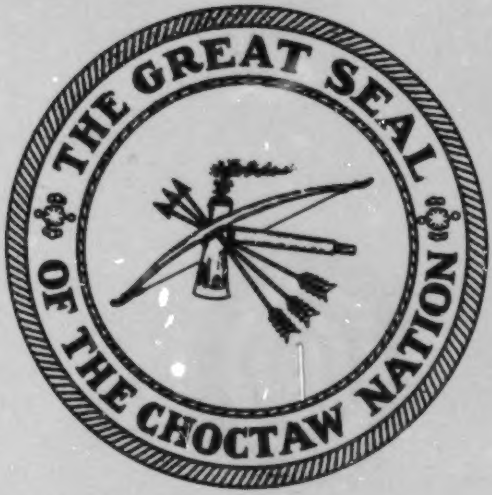
Natives, in titian
Adorned, by Nature's palette,
Falter not. Seek your
Place in the sun. Crown this land
With your heritage and strength.

—Nina C. Zachary
Teacher and Editor
Choctaw History, Culture, and Current Events

A Thought To Educators

I now give them to you, to take them by the hand and heart, and hold them fast. I will now only hold them by the end of their fingers.

—Choctaw elder, upon enrolling his grandson and daughter in school at Mayhew Mission, to Cyrus Kingsbury, Missionary / Educator, Choctaw Nation, 1822.



THE GREAT SEAL OF THE CHOCTAW NATION

The Great Seal was adopted by an Act of the Choctaw General Council, Doaksville, I.T., Principal Chief of the Choctaw Nation, October 16, 1860.

DESCRIPTION:

The symbol of the ancient seal of the Choctaw Nation, namely: with the words The Great Seal of The Choctaw Nation, around the edge, and a design of an unstrung bow, with three arrows and a pipe hatchet blended together, engraven in the center, which shall be the proper seal of this Nation, until altered by the General Council, with the concurrence thereof.

In the Oklahoma State Seal, the upper left hand ray shall contain the symbol of the ancient seal of the Choctaw Nation: namely, a tomahawk, and three crossed arrows, that symbolize a united people and one arrow for each great Chief in history, Apuckshunnubbee, Pushamataha and Mosholatubbee.

We have borne everything patiently
for this long time.
—Joseph Brant

CHAPTER 1

APUKSHUNNUBBEE AND MUSHULATUBBE

Ron York

During the early nineteenth century, the Choctaw Nation in Mississippi was divided into three districts, with each district having its own chief.[1] The three districts of the Choctaw Nation, along with the chief of each district, included: The Southern District with Pushmataha as chief, the Western District with Apukshunnubbee as chief, and the Northeastern District with Mushulatubbee as chief. These three warrior chiefs share the distinction of being the most well known of the Choctaw chiefs during the time before Removal, and were "the first elected chiefs of the three political districts through which the nation was democratically governed."[2]

During the period of 1786 to 1830, nine treaties were negotiated between the United States and the Choctaw Nation, and the chiefs' signatures appear on five of these treaties. Pushmataha's and Apukshunnubbee's names are present on the Treaty of Mount Dexter,

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[1] The candidates for chief were nominated by the people of each district. The people voted for each candidate by casting sticks--long sticks signifying "yes", and short sticks signifying "no". Each chief held office for a term of four years. It is probable that the length of the term of chief was borrowed directly from the term of United States President. It seems likely that when the Choctaw Nation was writing its 1824 Constitution, they would have made the term of their chief executive similar to that of the Federal government. Interview with Kennith York, Choctaw Tribal Member, Mississippi Band of Choctaw Indians, Pearl River, Mississippi, October 1983.

[2] Herman J. Viola, Thomas L. McKenney, Architect of America's Early Indian Policy: 1816-1830, (Chicago: The Swallow Press Inc., 1974), p. 127.

November 16, 1805, which cleared Choctaw debts, gave the Choctaw Nation annuities, and resulted in the acquisition by the United States of over four million acres of Choctaw land. Pushmataha, Apukshunnubbee, and Mushulatubbee signed the Treaty of Choctaw Trading House, October 24, 1816, giving the United States about ten million acres. The Choctaws were to receive six thousand dollars per year for twenty years, plus ten thousand dollars in merchandise as compensation. The Treaty of Doak's Stand, October 18, 1820, gave the United States over five million acres. The Choctaws were to get approximately thirteen million acres in the West. Mushulatubbee signed the Treaty of Washington City, January 20, 1825, whereby, the United States acquired around two million acres in Arkansas from the Choctaw Nation. The Choctaws received six thousand dollars in perpetual annuity; a waiver of debts; and veterans pensions. The Treaty of Dancing Rabbit Creek, September 27, 1830, gave the United States approximately ten and one-half million acres. The United States used state and federal threats, backed by force, to secure the treaty agreement.[3]

Gideon Lincecum offers vivid physical descriptions, and outlines personality traits of the three warrior chiefs. Mushulatubbee, whose name, according to Halbert, means "Determined to Kill,"[4]

> . . . was a handsome man; about six feet in height, and quite corpulent. He possessed a lively, cheerful disposition. . . . Mushulatubbee was not very wealthy. Having but a moderate stock of cows, and horses; and five or six negroes. He was however, certainly rich in his family relations. He had a house full of children, and two handsome wives; who, like himself, were healthy, and somewhat corpulent. They all dwelt together in the same house, and seemed to be very happy. One of his wives was a quarter white blood, and had been, in her younger days quite pretty. He was in the habit, when visited by white people, of pointing out his pretty, fair skinned wife, and bragging a little. But to an accurate observer, it was easily seen that his confidence, and his affections rested with the full blooded Chahta wife.[5]

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[3] Charles J. Kappler, comp., Indian Affairs: Law and Treaties, Vol. 2 (Washington, D.C.: United States Government Printing Office, 1904), pp. 87-319; Charles C. Royce, comp., Indian Land Cessions in the United States (Washington D.C.: United States Government Printing Office, 1900; reprint ed., New York: Arno Press. 1971), pp. 672-727.

[4] Grant Foreman, Indian Removal (Norman, Oklahoma: University of Oklahoma Press, 1976), p. 51. According to T.H. Ball, The Creek War of 1813 and 1814 *(University of Alabama Press, 1969), pp. 311-312, many Indian names are easily recognizable, while others are unable to be translated. In addition, many well-known Indians may "have a dozen or more names, which they use according to caprice or circumstances."*

[5] Gideon Lincecum, Traditional History of the Chahta Nation, *1861* (University of Texas Library, 1932), Adenda, pp.3-4, "part collection, Neshoba County Library, Philadelphia, Mississippi."

Lincecum also described Apukshunnubbee, whose name, according to Cushman, means "To Encircle and Kill."[6] He

> . . . was . . . a very different man. He was a large man, tall and boney [sic]; had a down look, and was of the religious, or superstitious cast of mind. He was, by the people of his district, called a good man, and it was said that he was a man of deep thought, and that he was quite intellectual. The people of his district, kept him long in the office of chief; and notwithstanding his grim looks and taciturn demeanor; I feel willing to leave him where rumor placed him; - - an intelligent good man, and a brave, daring warrior. I know nothing of his domestic relations; and cannot say whether his couch was or not, blessed with one, or a plurality of wives.[7]

Many accounts have been recorded depicting events of Pushmataha's life, and biographical sketches are prevalent. According to Lincecum, Pushmataha

> . . . was about 5 feet 10 inches in height, stood very erect; full chest; square, broad shoulders and fine front and elevated top head. Mouth very large; lips rather thick, eyes and nose very good; projecting brow, and cheek bones very prominent. He lacked a great deal of being what the world calls handsome. But he had that inexplicable attribute about him which belongs only to the truly great. . . .[8]

The purpose of this paper was to record some of the events in the lives of Apukshunnubbee and Mushulatubbee. These vignettes, recorded chronologically, provide some historical and personal glimpses into the lives of Apukshunnubbee and Mushulatubbee.

* 1811 - 1812 *

During the spring of 1811, Tecumseh, along with thirty tribesmen, traveled south to visit the Choctaws and Chickasaws, with the hope of enlisting their help in banding together against "a common foe, the pale-face intruders and oppressors of their race. . . . They entered the Choctaw Nation in the district over which Apukshunnubbee was the ruling chief and there they pitched their camp."[9] Tecumseh was shown to Apukshunnubbee's home where he became a guest.

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[6] H.B. Cushman, History of the Choctaw, Chickasaw and Natchez Indians (New York. Russell & Russell, 1962), p. 73.

[7] Lincecum, Traditional History of the Chahta Nation, 1861, Adenda, pp. 5-6.

[8] Ibid., p. 6.

[9] H.B. Cushman, History of the Choctaw, Chickasaw and Natchez Indians, pp. 244-245.

> At once Apukshunnubbee summoned the warriors of the district to convene in council, at which a resolution was passed calling the entire Choctaw Nation to assemble in a great council, extending the invitation alike to the Chickasaw Nation, stating as a reason, that it was through the request of Tecumseh, as an ambassador of the Shawnees. . . .[10]

Later that year, ". . . when the celebrated Tecumseh visited the southern tribes to enlist them in a general coalition against whites . . . Pushmataha, Mashuletubbee, Hopiah-skatena, and other renowned leaders were present. . . . Pushmataha was the steadfast friend of the whites, but Mashuletubbee" wavered in his support and Hopiah-skatena was "decidedly hostile" towards the whites. However, Pushmataha admonished Mashuletubbee and Hopiah-skatena, and "Tecumseh abruptly departed, followed by his retinue of Northern Indians, uttering in their own tongue, a bitter imprecation."[11]

In the ensuing War of 1812, the Choctaws "did not seriously contemplate . . . , at any time, joining forces with [Great] Britain or Tecumseh against the United States. . . . Largely through the efforts of Pushmataha and another great Choctaw chief, Mushulutubbee, the Choctaw warriors initially remained apart from the conflict." However, after the Creeks attacked Fort Mims in Alabama, the Choctaws, led by Pushmataha, joined General Claiborne in the Creek War; and afterwards, joined General Andrew Jackson, at Mobile, against the British.[12]

* 1819 - 1822 *

Educational needs were a concern, and many Choctaws were interested in the establishment of schools and missions in their districts. Cushman records an incident when Apukshunnubbee gave money to establish a school at Eliot Mission. In 1819, the Choctaws met in national council where one of the subjects discussed was schools. Cyrus Kingsbury attended this meeting and proposed that those that wanted a school established should subscribe money or livestock. This suggestion was accepted at once by the council "and a considerable amount of money was subscribed." Apukshunnubbee gave two hundred dollars.[13]

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[10] Ibid., p. 245.

[11] J.F.H. Claiborne, *Mississippi as a Province, Territory, and State* (Spartanburg, South Carolina: The Reprint Company, 1978), p. 487.

[12] Arthur H. DeRosier, Jr., *The Removal of the Choctaw Indians* (New York: Harper and Row, 1972), pp. 34-36.

[13] H.B. Cushman, *History of the Choctaw, Chickasaw and Natchez Indians*, p. 73.

The Choctaws' wish, to have schools and missions built in their nation, became a reality through their efforts, along with the assistance of David Folsom, Cyrus Kingsbury, John Pitchlynn, and others. Mayhew and Eliot were two of several missions established in various parts of the Choctaw Nation. The schools at Mayhew and Eliot were operated by Rev. Cyrus Kingsbury and Rev. Cyrus Byington.

In 1820, Apukshunnubbee, Mushulatubbee, and seven other chiefs visited Eliot and were pleased with the children's progress. They "exhorted the children in strains of native eloquence to learn the teachings of the Holisso Holitopa. . . Book Holy (Bible), which told them how to be good."[14]

In 1822, Mushulatubbee visited Mayhew for the closing exercises of the school's first session. This was attended by many parents and friends, and Mushulatubbee, along with many of his chieftains and warriors. Upon seeing the improvement of the children, Mushulatubbee remarked:

> Such a thing was not known here when I was a boy. I had heard of it, but did did not expect to see it. I rejoice that I have lived to see it. You must mind your teachers, and learn all you can. I hope I shall live to see our councils filled with the boys who are now in this school, and that you will then know much more than we know and do much better than we do. [15]

Cushman states that Mushulatubbee did live to see many children attend the schools that came to be established in the Choctaw Nation. Mushulatubbee was present at the opening session of the next school year with two sons and a nephew who were going to attend the school. An aged Choctaw man, who took his grandson and daughter to the school, expressed these sentiments to Mr. Kingsbury: "I now give them to you, to take them by the hand and the heart, and hold them fast. I will now only hold them by the end of their fingers."[16]

* 1820 *

Preliminary negotiations for the Treaty of Doak's Stand took place in the fall of 1820. During these negotiations, Apukshunnubbee and Pushmataha arrived at the Choctaw Treaty Ground on October 3, 1820, with seventy or eighty men. Pushmataha and his warriors accepted the rations provided by the United States, but Apukshunnubbee ordered his headmen and warriors not to accept any

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[14] Ibid., p. 78.

[15] Ibid., p. 84.

[16] Ibid.

16

provisions. His explanation was that he had no intentions of granting any requests made by the President, and that he did not want to cause the President any expense. Apukshunnubbee's conduct was described as disrespectful by Commissioners Andrew Jackson and Thomas Hinds, who also told him they understood that "many wicked efforts had been made to prevent a full council of the nation" in order to defeat treaty efforts.[17]

On October 6th, Mushulatubbee reached the treaty ground "with only two of his headmen and warriors of the district under his command," but said that others were on the way. The commissioners wanted to schedule the President's address for October 9th, but Apukshunnubbee announced that the Choctaws were going to have "a great ball-play". The commissioners said then, that the talk would be given on October 10th. Jackson and Hinds delivered the address, which was to convince the Choctaws that the treaty was to "promote the interest and happiness of all . . . Choctaw children," not to deprive them of their home. They were told that it was the President's desire to provide a "better country where they . . . [could] enjoy more comfort and contentment." Schools, White settlers, hunting, farming, tribal unity, and other topics were covered in the President's message. After the talk, Apukshunnubbee requested that the proceedings, including talks by the Indian chiefs and headmen, be put in writing to avoid any possible misrepresentations by "designing and mischievous persons." The commissioners granted his request.[18]

On October 13th, Apukshunnubbee's reluctance to negotiate is evidenced by his announcement that the Choctaws were going to have another ball-play, and stated that he "did not wish to mix business. . . ." He said they would play ball that day and hold council the next day. When the talks resumed on October 15th, Apukshunnubbee "stated that he would consent to an exchange of a small part of his country, but not as much as his father, the President of the United States had proposed. . . ." Finally, though, after days of deliberations, negotiations, and treaty clarifications, Apukshunnubbee, along with other chiefs and headmen, signed the treaty on October 20, 1820.[19]

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[17] *American State Papers: Documents, Legislative and Executive of the Congress of the United States*, 38 volumes. Washington, D.C.: Gales and Seaton, 1832-1861. Class 2: *Indian Affairs*, 2 volumes (Washington, 1832-1834), p. 234.

[18] Ibid., pp. 235-237.

[19] Ibid., pp. 238-241.

* 1824 *

Three different versions of the death of Apukshunnubbee have been recorded:

First version:

Cushman states that Apukshunnubbee was a pureblood Choctaw; faithful in his duties as chief, a quiet unobtrusive "man of sterling merits, whose name is held in grateful and proud remembrance by his people to this day." His people were saddened by his early death.

> He lost his life by accidently stepping off a balcony at night, at a hotel in Maysville, Kentucky, his neck being dislocated by the fall, while going to Washington City as a delegate with Pushmataha and others of his Nation. Little has been preserved of Apukshunnubbee's life but that he was an honest man.[20]

Second version:

From an obituary in the Southern Luminary, the following:

> Our venerable neighbor, the virtuous Indian, the friend of the Whites, the Mingo Puckshenubbee, is no more! At Maysville [Ky.] on his way, with a deputation of Chactaw [sic] chiefs and Warriors from the Nation to Washington City, this aged Warrior and Chief fell from the abutments of the road to the landing, upon the stone pavement below, fifteen or twenty feet, and received such injury that his soul soon winged its way to that Great Spirit. . . . The cavalry and light infantry of Maysville accompanied his remains to the Methodist Church, where an appropriate sermon was preached by the Rev. Mr. Crownie, which was followed by an interesting address by Col. Robert Cole in the Chactaw tongue. The Mingoes Mashuletubbee and Pushmattahah were of the delegation.[21]

Third version:

According to Viola, when Pushmataha, Apukshunnubbee, and Mushulatubbee left Mississippi on September 24, 1824 for Washington, D.C., the finest Choctaw talent was gathered in that group.

> The Indians reached Washington the last week of October, and McKenney lodged them at Joshua Tennison's hotel on the south side of Pennsylvania Avenue between Twelfth and Thirteenth Streets, a short, refreshing walk from the War Department. The eighty-five-year-old Puckshenubbe had fallen to his death from a fog-shrouded precipice while stretching his legs at a rest stop. . . .[22]

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[20] H.B. Cushman, *History of the Choctaw, Chickasaw and Natchez Indians*, pp. 273-274.

[21] *Southern Luminary*, Jackson, Mississippi, 16 November 1824.

[22] Herman J. Viola, *Thomas L. McKenney, Architect of America's Early Indian Policy: 1816-1830*, p. 127.

* 1825 *

The present-day town of Mashulaville is located in the western part of Noxubee County, Mississippi, and is the site of one of Mushulatubbee's homes.[23] William Love depicts an incident in the life of Mushulatubbee that reflects his hospitality:

> In the summer of 1825 three citizens of Pickens county [*sic*], Ala., Saunders, Hawkins and Lacey, came over into the Choctaw nation to buy stock. One evening they arrived at the home of Moshulitubbee and asked the privilege of spending the night, which was cheerfully granted. Saunders and Lacey ate and slept in the house and were bountifully entertained but Hawkins declined all entreaties and slept in the yard, under a tree. Early next morning, on coming out, Moshulitubbee observed Hawkins parching corn. At such a sight, under the circumstances, the old mingo became enraged, and in broken English exclaimed most contemptuously: "Hawkins, you hog! you no gentleman! Saunders and Lacey, they gentlemen!! They eat at my table and sleep in my bed. You hog. You eat my corn and sleep under tree." Hawkins, with no alternative, was compelled in silence to endure the scorn of the old chief and impatiently await the pleasure of his companions. Moshulitubbee evidently considered such action a reflection upon his hospitality and a slight upon his dignity as one of the great men of his nation, and resented it in unmistakable terms.[24]

* 1828 - 1834 *

The subject of Indian removal was a national issue by the time that "Andrew Jackson became a candidate for president [*sic*] in 1828." A bill, known as the Indian Removal Bill, was enacted into law on May 28, 1830, and reflected a federal policy that was favorable to Indian removal. Jackson made plans to send Secretary of War, John H. Eaton, and U.S. Commissioner, John Coffee, to negotiate with the Choctaws. Some contact and preparation toward this meeting had been made with Greenwood Leflore, "a shrewd half-breed member of the tribe," who was very influential, intelligent, ambitious, and perceptive where his personal interests were concerned.[25]

When Jackson was elected in 1828, the urgency for Indian removal increased. Because of this, the Choctaws divided into political factions. The two parties that evolved were the Republican Party, largely made up of full-bloods, led by Mushulatubbee, who had "allied with the

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[23] Grant Foreman, *Choctaw Removal* (Norman, Oklahoma: University of Oklahoma Press, 1976), p. 51 n. 20.

[24] William A. Love, "Mingo Moshulitubbee's Prairie Village," *The Mississippi Historical Society* 7 (1903): 375-376.

[25] Grant Foreman, *Indian Removal*, p. 21-22.

Pitchlynns," and the Christian Party, mostly mixed-bloods, led by David Folsom and Greenwood Leflore. At this time, September 1829, the Christian Party was against removal; but Mushulatubbee exhausted by the political struggling, consulted with his supporters and agreed to emigration. Later, "Folsom . . . did an about-face and announced his willingness to consider emigration, while Moshulatubbee prepared to remain in Mississippi as a citizen of the state. . . ." This change of events occurred after the "state of Mississippi extended her laws over the tribe." Then, on March 15th, Greenwood Leflore was elected by the Christian Party, "Chief of the entire Nation."[26]

After "Leflore assumed the role of chief of the tribe," he encouraged the council to immediately decide their "future course". A document, stating their decision to cede their Mississippi land and move to the West, was sent to Washington. A second document, a protest from those "chiefs and leading men who were not in sympathy with the ambitious Leflore," followed. "When both documents were submitted to the Senate, the treaty was rejected. . . ."[27]

In April, Leflore "wrote to Mushulatubbee an arrogant letter which he signed as 'Chief of Choctaw Nation,'" telling Mushulatubbee that he must abdicate as chief. "Shortly after, Mushulatubbee, and Nitakechi appealed to Agent Ward to prevent a threatened invasion of their districts by an army of a thousand men under Leflore and Folsom." Tensions steadily grew until a disturbance broke out on July 14, at a council gathering.[28]

Mushulatubbee and about one thousand warriors--two to three hundred armed--were camped near the Factory, a trading house. Leflore, with about fifteen hundred warriors--eight to nine hundred armed--, sent a message to Mushulatubbee warning him "'to give up his commission. . . .'"

> Two or three messages of the same import, at different times, were given to M. and to all which he gave answers of utter disdain, and defiance. . . . This may be considered as an outrage, as Leflore must have come at least two hundred miles for the purpose of chastising Mushulatubbee, for his unbelief.[29]

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[26] W. David Baird, *Peter Pitchlynn: Chief of the Choctaws* (Norman, Oklahoma: University of Oklahoma Press, 1972), pp. 36-37.

[27] Grant Foreman, *Indian Removal*, p. 23.

[28] Ibid., p. 24.

[29] *Nashville Banner and Nashville Whig*, 9 August 1830, p. 2, col. 5; *The Democrat* (Huntsville, Alabama), 26 August 1830, p. 3, col. 5, quoted in *Indian Removal*, p. 25.

Intertribal conflict followed the signing of the removal treaty. Mushulatubbee, who had signed the treaty "argued that his people had a right to remain on their ancient lands even though the state had extended its laws over them." Threats by "dissident Choctaws" were made against the chiefs, who were accused of accepting bribes in exchange for their signatures on the treaty.[30] Finally, "with the treaty signed and opposition quelled, the process of removal began as early as October, 1830, in Leflore's Northwestern District. A conflict over leadership prevented such dispatch in Moshulatubbee's Northeastern District."[31]

Bitter from all that had transpired, Mushulatubbee and some of his followers had decided to find a place to live on the Arkansas River, instead of locating on the Red River where others had chosen to move. Now, he was opposed to the missionaries and their teachings, and angry with the government for financing "the education of their children." On January 16, 1831, Mushulatubbee decided to abdicate as chief as soon as removal began. He recommended the nomination of Peter P. Pitchlynn "as his successor to have charge of the emigration of his faction. This selection was confirmed in council by his followers."[32] Pitchlynn's position after the treaty signing had been accepted by the Choctaws; however, the Christian party members refused to recognize the election and "continued to look to David Folsom as captain and chief."[33]

After removal from the Mississippi homeland, Mushulatubbee and Nitakechi had moved with their people to the West. Greenwood Leflore had abandoned his people upon removal, and had chosen to stay in Mississippi where he had become quite prosperous. Since his people were without a chief, an election was held and Thomas Leflore became chief on July 7, 1834. Mushulatubbee and Nitakechi had been elected chiefs in their districts but Joseph Kincaid soon succeeded Mushulatubbee.[34]

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[30] Ronald Satz, *American Indian Policy in the Jacksonian Era* (Lincoln, Nebraska: University of Nebraska Press, 1975), pp. 70-71.

[31] W. David Baird, *Peter Pitchlynn: Chief of the Choctaws*, p.41.

[32] Grant Foreman, *Indian Removal*, p. 50.

[33] W. David Baird, *Peter Pitchlynn: Chief of the Choctaws*, p. 42.

[34] Grant Foreman, *The Five Civilized Tribes* (Norman, Oklahoma: University of Oklahoma Press, 1982), p. 26.

* 1838 *

As recorded by Foreman, the year 1838 was a difficult year for the Choctaws. Drought had ruined the crops and sickness and many deaths "throughly discouraged the Indians. In this state they yielded to the lure of intoxicants, brought into the country by the white people. . . ."[35]

The following account of Mushulatubbee's death, found in the Draper Manuscript Collection, gives further evidence of the plight of the Choctaws in 1838:

> Besides other disastrous influences, when the Chickasaw Indians arrived in the Choctaw Nation in 1838 they brought with them the smallpox which, spreading through the Nation, was particularly devastating on the Arkansas River where it caused the deaths of four or five hundred Choctaw people, the breaking up of schools and neglect of crops. During this epidemic there occurred near the Choctaw agency the death of Mushulatubbee, the famous Choctaw chief. He died August 30, 1838, at the age of seventy-five or eighty years.[36]

Another account of Mushulatubbee's death is recorded by Cushman:

> Moshulatubbee through whose veins unadulterated Choctaw blood alone coursed, and of which he was justly proud, moved with his people to their present homes, where he spent the few remaining years of his life . . . encouraging their desponding hearts to rise above misfortune and adversity. Though not a fluent speaker . . . he spoke with a dignified but gentle humility. . . . He lived several years beyond the allotted life of man, reaching nearly four score years and ten. He died at home among his friends and people, honored, respected and loved by his nation. . . .[37]

Events relating the lives of Apukshunnubbee and Mushulatubbee are somewhat difficult to locate; yet, it is the hope of this writer, that the compilation of these events will inspire others to continue the search. The efforts of these two great chiefs to build and to retain a great Choctaw Nation, have not been in vain.

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[35] Ibid., p. 48.

[36] Coleman Cole to Lyman C. Draper, 1 December 1884, *Draper Manuscript Collection*, Vol. 4 YY, quoted in Grant Foreman, *The Five Civilized Tribes*, p. 49 n. 39.

[37] H.B. Cushman, *History of the Choctaw, Chickasaw and Natchez Indians*, pp. 274-275

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CHOCTAW NATION, MISSISSIPPI

Before Removal

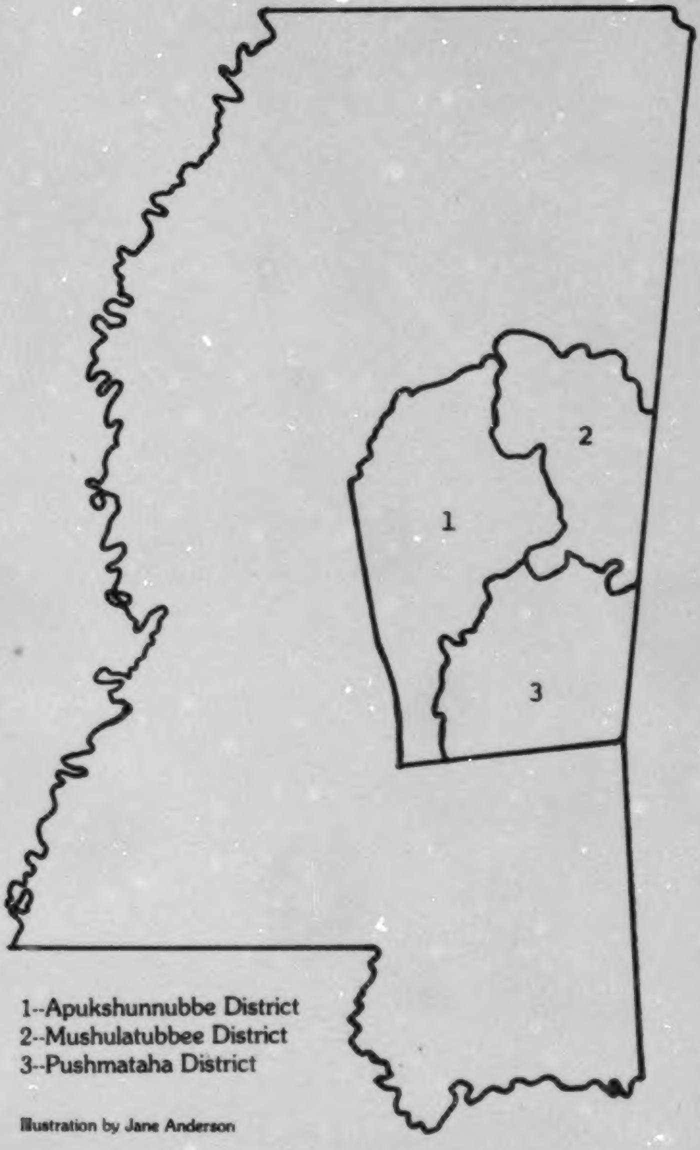
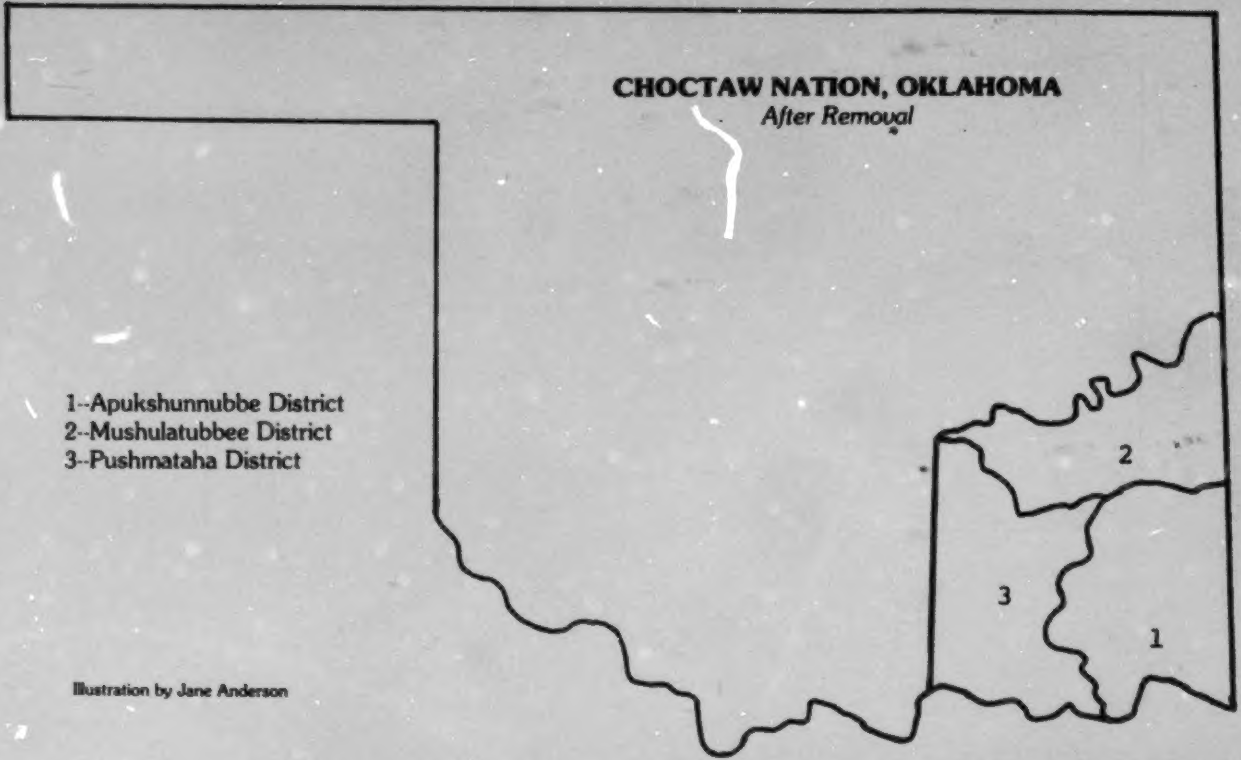

2
1
3
1--Apukshunnubbe District
2--Mushulatubbee District
3--Pushmataha District

Illustration by Jane Anderson



CHOCTAW NATION, OKLAHOMA

After Removal

1--Apukshunnubbe District
2--Mushulatubbee District
3--Pushmataha District

Illustration by Jane Anderson

CHAPTER 2

CHOCTAW CEREMONIES

Cira Isaac

The Choctaws have a rich cultural heritage, and they are proudly striving to preserve this inheritance. In the past, traditional ceremonies were an integral part of Choctaw life, and added a vivid dimension to tribal life style. Many of the ceremonies, passed from generation to generation, have undergone change.

Marriage has always been a popular ceremony because it is a joyous occasion for the families involved. To this day, a few Choctaws still observe the traditional wedding ceremony. Long ago, according to Halbert, when a young man found a young woman that he wanted to marry, he would wait for an opportunity to find her alone, and then gently throw pebbles that would fall around her feet. After throwing pebbles a few times, she would acknowledge this gesture, and let him know whether or not she was interested in his intentions. Another means by which a young man could make his intentions known was to lay his hat or handkerchief on her bed. If this suit was acceptable to the young woman, the hat or handkerchief would remain on the bed, otherwise it was removed instantly.[1]

Another interpretation is related by an anonymous French authority.

> When a youth wishes to marry, he goes to find the father and the mother of the girl whom he desires. After having made his request he throws before the mother some strings of glass beads, and before the father a breechclout. If they take the presents it is a sign of their consent. . . .[2]

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[1] Henry S. Halbert, "Courtship and Marriage Among the Choctaws of Mississippi", *American Naturalist* 16 (1882): 222-224, "cited by" John. R. Swanton, *Source Material for the Social and Ceremonial Life of the Choctaw Indians* (Washington, D.C.: United States Government Printing Office, 1931), p. 131.

[2] *Memoirs of the American Anthropological Association*, vol. 5, no. 2, 1918, pp. 60-61, quoted in John R. Swanton, *Source Material for the Social and Ceremonial Life of the Choctaw Indians*, p. 127.

Following is an account of certain wedding customs observed as late as the twentieth century:

> The week before the wedding the groom provided a dinner for the wedding feast. The wedding dance was held the night before the ceremony. The next morning the people gathered at the ball ground. One or two men made a talk telling the groom his duties to the wife. Then, the chief made a short talk, after which the groom made a short speech and promised to take the girl, work and make her a living, and always be friends to her people. This ceremony was followed by a dinner, a stick ball game, and war dance. [Then,] the wedding party was over and all returned to their homes.[3]

The Choctaws had traditional wedding clothing. The clothing was made of deerskin and trimmed with feathers. Wooden beads as large as acorns, or dyed chinquapen nuts, were worn as ornaments.[4]

Today, some of the old customs are still observed. When a girl decides to marry, she usually makes her own dress. The girl's mother asks the boy's parents to supply the material for the dress and apron. Three traditional foods--bread, meat, and coffee--are provided by the boy's family.

Friends and relatives are invited to attend the ceremony, and they usually bring gifts of food. "Walakši" (dumplings) and "banaha" (corn meal mixed with peas) are foods used during the ceremony. The women of the girl's family provide the "walakši", and the men of the girl's family provide the "banaha". (Recipes follow text.)

Before the ceremony begins, the girl's family eats, while the boy's family assembles approximately a mile away. As soon as the girl's family has finished eating, the boy and his family begin walking toward the girl's house. Two spokesmen, usually respected elders, are selected from each side of the family to direct the ceremony. As the boy's family approaches the girl's house, the boy's spokesman shouts, "We are coming!" The girl's spokesman shouts, "Come on!"

At the ceremony site, two chairs are positioned side by side, and on each is placed a red cloth or blanket. "Walakši" is placed at the side of the girl's chair, and "banaha" is placed at the side of the boy's chair. Next, the groom's family places ribbons on the bride's head. The ribbons are then collected by the bride's brothers on behalf of her family.

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[3] Charlie Mitchell Beckett, "The Choctaw Indians in Mississippi Since 1830" (M.A. thesis, Oklahoma Agricultural and Mechanical College, 1949), pp. 61-62.

[4] John R. Swanton, *Source Material for the Social and Ceremonial Life of the Choctaw Indian* (Washington, D.C.: United States Government Printing Office, 1931), p. 43.

> As the ceremony ends, both families congratulate the couple. Now, there exists a bond between these families that was created through this ceremony. It is an unwritten law that this relationship is more important than material possessions. The families are now obligated to be kind to one another.[5]

Another ceremony was the funeral ritual, generally observed in the following manner: When a sick person was near death, the doctor left him and informed the relatives that he would not recover. Women would then come "wash his body, paint him, daub his face," and dress him in his finest clothes. Then they would place him on the ground near the front of the door, and his wife would lie on his stomach and weep, joined by his nearest relatives. It was customary to hire criers, who joined in mourning before and after death occurred.[6]

Upon the Choctaw's death, the relatives erected a coffin-shaped cabin and covered it with a blanket or bear skin. They placed food, drink, extra shoes, ornaments, and weapons next to the body. The Choctaws believed the spirit was going into another world, and that it had to be prepared for the journey.

During a scaffold burial,

> The body remained on the scaffold for up to six months, during which time, members of the immediate family were in formal mourning and wept at the scaffold for a short period each day. After the body was decomposed, friends, relatives, and an official called a bone-picker were invited to return for the final rites. The mourners surrounded the scaffold weeping and singing songs of lamentation while the bone-picker separated the bones from the remaining flesh and carefully cleaned them. Bone-pickers used no implements in this process, relying on fingernails which were allowed to grow long for this purpose. The flesh was burned or buried, and the head painted red. The bones were then deposited in a mortuary box or cane basket marked with the family symbol. All then took part in a funeral feast, after which they joined in a solemn procession carrying the remains to the bone-house which was a small elevated house open on each end. The bone-house contained only the remains of that group, for it was believed irreligious to place bones of strangers with those of relatives.[7]

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[5] Sharron Cauthen, "Choctaw Wedding Ceremony," in *A Choctaw Anthology*, eds. Jane Anderson and Kennith York (Philadelphia, Mississippi: Choctaw Heritage Press, 1982), p. 11.

[6] John R. Swanton, *Source Material for the Social and Ceremonial Life of the Choctaw Indians*, p. 170.

[7] John H. Peterson, Jr., "The Choctaws in Mississippi, the Pascagoula, Acolapissa, and Bayogoula" (unpublished manuscript, Mississippi State University), p. 28.

During the early years of the nineteenth century, burial of the dead began to replace the bone-picking custom.[8] During the latter part of the nineteenth century, burial was as follows: "The actual burial was a drawn out affair. The body was placed in the grave and covered with earth. Two short poles and one tall pole were placed on either side of the grave to let strangers know that a member of the tribe was dead. . . ."[9] After a mourning period of thirty days, followed by feasting and dancing,

> The head man announced it was time for the last cry, and all went to the grave where everyone except the head man and pole pullers knelt on the ground and wept loudly. At the big cry the poles were pulled. As the pole pullers left the grave with the poles, all mourners ceased to mourn. The crowd left the vicinity of the grave, but the immediate family lingered. A lock of hair was clipped from the head of the mourning women and men to be left at the grave.[10]

Dancing and a great feast, prepared for the occasion, followed the burial. After the dance, the deceased was never spoken of to any member of the family, because it was believed that the one spoken to would soon follow the deceased to the grave. "There were but few established cemeteries. Occasionally, babies were buried under the house in the yard of the parents. Older people were usually buried near the home."[11]

Today, the Choctaws observe funeral customs similar to the non-Indian way. The body is held in state at a funeral home or in the deceased's home; and after the funeral service, burial is in a cemetery.

Ceremonial functions also included dancing, which was and still is, important to the Choctaws. Today, three dances celebrated are: Social Dances, Animal Dances, and War Dances. According to Edward John, Choctaw Communications Officer, the Social Dances are for fun. The "Jump Dance" is a dance that expresses gratitude. "Stealing Partners" is a courting dance, during which each person chooses a partner. The "Friendship Dance", a dance similar to the "Quail Dance", is not performed often. The "Wedding Dance" is special, and anyone can dance as long as they are not related. However, since, many in the group are related, they dance just for exhibition or demonstration, not for any significance. The "Walk Dance" is the last dance performed at an occasion. In the old days, the Choctaws would dance all night; then, just preceding the dawn, the "Walk Dance" would take place. All would silently face east toward the rising sun, and dance.

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[8] Henry S. Halbert, "Funeral Customs of the Mississippi Choctaws," Mississippi Historical Society 3 (1900): 356.

[9] Beckett, "The Choctaws in Mississippi Since 1830," pp. 24-25.

[10] Ibid.

[11] Ibid., p. 26.

The Animal Dances represent the behavior and movement of certain animals and reflect the animals' usefulness to the Choctaws. Through the "Quail Dance", the Choctaws learn the art of camouflage. The "Duck Dance" portrays the graceful motions of the duck and the usefulness of the feathers, meat, and bones. The "Raccoon Dance" imitates the playfulness of the racoons in the forest. The "Snake Dance" is the favorite among the younger Choctaws because it imitates the movement of the snake. The Choctaws consider snakes helpful because they eat insects and rodents that destroy crops.

Long ago, the "Corn Dance", classified as an Animal Dance, was a special dance performed during the Harvest Festival, usually held in July or August. According to Choctaw legend, corn was first brought to the Choctaws by a bird, and the dance honors this event. "Drunk Dance" is another name for the "Corn Dance", probably because whiskey is sometimes made form corn. The dance, performed in the shape of a "V", is a happy, joyous dance.

The Choctaw War Dances were unique in comparison with other Native American tribes because the women danced also. The Choctaws seldom went to war; but if it became necessary to defend their homes and land, they would fight. Preceding a battle, they danced for eight days for the purification of the warriors. The War Dances consisted of two dances--the "Fast War Dance" and the "Four Step".[12]

Today, a group of dancers, the "Pearl River Dancers", perform samples of Choctaw dances several times a year. Edward John stated that approximately twenty-four dancers, a drummer, and a chanter are taken along to perform. Any number can participate, as long as there is an equal number of males and females. The dancers, who range from ages twelve to fifty, have their own versions, but generally follow the traditional forms.

The group does not consider itself a club; but they have been dancing together for so long, that being a group became automatic. The Pearl River Dancers perform about eight times a year, including the Choctaw Fair. They attend certain annual events and have traveled to Tuscaloosa and Birmingham, Alabama; New Orleans, Louisiana; Memphis, Tennessee; and many cities in Mississippi, including Natchez.

On the Choctaw Reservation, the dancers perform annually at the Choctaw Fair, on American Indian Day, and during the Thanksgiving

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[12] Int[illegible] with Edward John, Choctaw Communications Officer, Mississippi Band of Choctaw Indians, Pe[illegible]er, Mississippi, 13 February 1984.

Feast. During a performance, which usually lasts approximately forty-five minutes to one hour, the dancers perform about twelve dances, representative of all three dance types: Social, Animal, and War.

No real symbolism is attached to the native "dress" worn for dancing. The style of the apparel may be representative of the French influence. This includes the black pants, the hat, and the high-heeled boots worn by the men, and the dress style worn by the women. Beadwork design, besides being decorative, originally disclosed the clan of the wearer; but now beads are worn for decoration and color.

In addition to the Pearl River Dancers, the reservation communities of Bogue Chitto and Conehatta have their own dance groups. At the annual Choctaw Fair, the Pearl River Dancers perform by themselves at an appointed time; then the Bogue Chitto and Conehatta Dancers perform. On the last night, all three groups perform together.[13]

Change is inevitable as traditional ceremonies are passed from generation to generation. In an endeavor to retain as much of the culture as possible, the Choctaws encourage their youth to learn about the ceremonies.

To explore this, a survey was conducted during January, 1984, from a sample of Choctaw Central High School students. Thirty out of approximately two hundred students, or fifteen percent, were involved in the survey.

Three separate questionnaires were constructed to gain information about the Choctaw Wedding Ceremony, Choctaw Funeral Customs, and Choctaw Social Dancing. Each questionnaire contained ten questions:

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[13] Ibid.

SAMPLE QUESTIONNAIRE

CHOCTAW WEDDING CEREMONY

1. Have you ever been to a traditional Choctaw wedding?
   Yes No

2. Do you think the Choctaws should retain the traditional ceremony?
   Yes No

3. If your parents and the person you intended to marry wanted to have a traditional ceremony, would you have one?
   Yes No

4. Describe your feelings in regard to the traditional wedding ceremony? ______________________

5. If you were planning to get married, what kind of ceremony would you have?
   ( ) Traditional Choctaw wedding
   ( ) Contemporary church wedding
   ( ) Civil ceremony (with a Justice of the Peace)

6. Have any of your family members had a traditional Choctaw wedding?
   Yes No If so, who?
   ____

7. Why don't more young people have the traditional ceremony today?
   ____
   ____

8. What community are you from?
   ____

9. How many traditional Choctaw weddings have been held in your community in the past year? (An approximate guess is O.K.)
   ____

10. How many contemporary church weddings have been held in your community in the past year? (An approximate guess is O.K.)
   ____

STUDENT RESPONSES (N=30)

CHOCTAW WEDDING CEREMONY

1. Have you ever been to a traditional Choctaw wedding?
   10 Yes 20 No

2. Do you think the Choctaws should retain the traditional ceremony?
   17 Yes 7 No 6 Don't know

3. If your parents and the person you intended to marry wanted to have a traditional ceremony, would you have one?
   9 Yes 18 No 3 Don't know

4. Describe your feelings in regard to the traditional wedding ceremony.
   1 "We need to keep the tradition."
   1 "It's an old custom and should be in church."
   1 "Never thought about it."
   1 "It's not legal anymore."
   1 "It's a way of getting married, a custom of the Choctaws."
   1 "It shows the Choctaws still have traditional ways."
   1 "I've never been to one, but I think I would like to see one."
   1 "I would not know how to go about it."
   1 "It would take too much time and it's boring."
   1 "It's important to the Choctaw Tribe."
   20 No response

5. If you were planning to get married, what kind of ceremony would you have?
   3 Traditional Choctaw wedding
   19 Contemporary church wedding
   2 Civil ceremony
   6 Undecided

6. Have any of your family members had a traditional Choctaw wedding?
   3 Yes 24 No 3 Don't know

7. Why don't more young people have the traditional ceremony today?
   2 "They follow the white people's way."
   2 "They should, to keep the tradition."

1	"Maybe too shy."
1	"Because young people don't know about it."
1	"They feel they don't have to continue the tradition."
1	"Because they don't know how."
1	"They want what is modern."
1	"Prefer church wedding."
1	"It's boring."
19	No response

8. What community are you from?

13	Pearl River
5	Bogue Chitto
4	Tucker
4	Conehatta
3	Red Water
1	Standing Pine

9. How many traditional Choctaw weddings have been held in your community in the past year? (An approximate guess is O.K.)

9	None
6	One
2	Two
1	Four
1	Five
1	Ten
10	Don't know

10. How many contemporary church weddings have been held in your community in the past year? (An approximate guess is O.K.)

5	One
3	Two
3	Four
2	None
1	One or Two
1	Two or three
1	Forty
1	Fifty
1	Two hundred
12	Don't know

SAMPLE QUESTIONNAIRE

CHOCTAW FUNERAL CUSTOMS

1. What do you know about the old Choctaw funeral customs?
____

2. Do you think the old funeral customs should be used today?
Yes No Why or why not?

3. What are the present Choctaw funeral customs?
____

4. What is a "cry" ceremony?
____

5. Do Choctaws still hold "cry" ceremonies?
Yes No

6. Describe the bone picker's job.
____

7. What was a bone house?
____

8. What is a scaffold burial?
____

9. What was the purpose of the burial mounds and how were they used?
____

10. What were the mourning customs?
____

STUDENT RESPONSES (N=30)

CHOCTAW FUNERAL CUSTOMS

1. What do you know about the old Choctaw funeral customs?

1	"A little about it."
1	"They were for religious reasons, and for the dead person to be able to live after death."
1	"Just know they used scaffold burial."
1	"The Choctaws were placed on a scaffold. After a person died, you must never speak his name again."
1	"Scaffold burials; pole pullings; sitting position; then burial."
1	"I know only about the scaffold burials and bone pickers."
1	"Never been to one."
23	"Nothing at all."

2. Do you think the old funeral customs should be used today?

2	Yes
14	No
6	Don't know
8	No response

Why or why not?

1	"No, because it belongs in the past."
1	"No, many of our customs have changed."
1	"No, modern funeral customs should be used."
1	"This is questionable."
1	"Yes, so that we would know what it is all about."
1	"No, because before they finished the ceremony, the body would be rotten."
1	"No, it is out of style."
23	No response

3. What are the present Choctaw funeral customs?

1	"Keep the body in the house for two days, then go to church and bury them."
1	"The dead person is placed in a coffin."
1	"Funeral homes are in charge--most of the time, they bury the deceased in a coffin."
1	"They are kept in the house for two days and then buried."

1 "Dress the dead person, put make-up on his/her face, and put the body in a casket."
1 "Place the dead person in the ground."
1 "They cry, weep, and have a church service, then burial."
1 "Keep the deceased in his/her home for three days--take the body to church and have a service."
22 No response

4. What is a cry ceremony?

1 "Where everbody cries."
1 "People cry during the wait [sic]."
1 "When a person dies, there is a wake in the home. The head of the casket must face east. There is a church service and burial."
1 "The women of the dead would get together and cry for a period of time."
1 "Everybody cries."
1 "Relatives mourn for one month after the death."
24 No response

5. Do Choctaws still hold cry ceremonies?

4 Yes
9 No
17 Don't know

6. Describe the bone picker's job.

16 "To pick the flesh off the dead person's body."
2 "Has long fingernails and picks the flesh from the bones."
2 "Cleans the bones and puts them in a box."
2 "Picks the remaining flesh and buries it."
8 "Don't know."

7. What was a bone house?

12 "The place where they kept the dead people's bones."
2 "A house made out of bones."
1 "A shelter for storing bones."
1 "Bone pickers keep the bones there."
1 "This is where the bones were placed and buried."
1 "Where the bone picker put the bones before burying them."
1 "When the bone picker finished with the body, it was put in the bone house for later use."
1 "Don't know."

8. What is a scaffold burial?

4 "Where a dead person is placed."
1 "Put the body on a scaffold and leave it for a month or so."
1 "A person was wrapped in his robes and put on the scaffold with his belongings."
1 "An old traditional burial where the body is placed on four poles and a platform to hold the body."
1 "A body is put in a bear skin and placed on a platform."
1 "The body was put on a platform wrapped in animal skins."
1 "When they put the deceased in the coffin."
1 "When an Indian died, they placed him on a bed high up in the air."
1 "The body was kept on this."
18 "Don't know."

9. What was the purpose of the burial mounds and how were they used?

2 "The dead person was placed here to be buried."
1 "Where you lay the body on four long poles."
1 "Lay the body in the center and burn it."
1 "To store bones."
1 "For burial worship."
1 "The mounds were established for the community to bury the body and family."
23 "Don't know."

10. What were the mourning customs?

1 "Where the relatives cry for several days."
1 "The relative mourns for the 'dear one' by not eating or washing himself."
28 "Don't know."

SAMPLE QUESTIONNAIRE

CHOCTAW SOCIAL DANCES

1. Have you ever participated in Choctaw social dancing?
   Yes No

2. Do your parents or other family members participate in Choctaw social dancing?
   Yes No

3. List as many Choctaw dances as possible.

4. List the dances that you know how to do.

5. What is your favorite dance?

6. What is the most important Choctaw dance?

7. What is the last dance of a social dancing ceremony?

   Why?

8. Should young children be taught the traditional Choctaw dances?
   Yes No Why or why not?

9. Do you think the traditional dance ceremonies should be retained?
   Yes No Why or why not?

10. Besides the dancers, who participates in the social dances?

STUDENT RESPONSES (N=30)

CHOCTAW SOCIAL DANCES

1. Have you ever participated in Choctaw social dancing?

20	Yes	10	No

2. Do your parents or other family members participate in Choctaw social dancing?

8	Yes	22	No

3. List as many dances as possible.

22	Snake	11	Jump
20	Fast War	10	Friendship
17	Walk	10	Two Step
15	Drunk	8	Four Step
14	Duck	7	Quail
13	Stealing Partners	5	Corn
13	Rabbit	3	Mosquito
13	Wedding	1	Turkey
12	Slow	1	War
12	Turtle	3	No response
12	Raccoon		

4. List the dances that you know how to do.

18	Snake	7	Walk
16	Fast War	7	Raccoon
11	Stealing Partners	5	Four Step
10	Drunk	3	Corn
10	Duck	3	Quail
8	Friendship	1	Round
8	Turtle	1	Mosquito
8	Jump	1	Two Step
8	Wedding	8	No response

5. What is your favorite dance?

8	Stealing Partners	1	Friendship
6	Snake	1	Round
5	Fast War	1	Wedding
2	Walk	6	No response

6. What is the most important Choctaw dance?

6	Walk	1	Animal
6	Fast War	1	Plains
4	Friendship	1	Wedding

2 Snake 8 Don't know
1 Duck

7. What is the last dance of the social dancing ceremony?
14 Walk 16 Don't know
Why?
2 "Last dance of the night."
2 "Quiet before sunrise."
1 "Traditional."
1 "End of social dancing ceremony."
1 "Time for Choctaws to go home."
1 "Forgot."
22 "Don't know."

8. Should young children be taught the traditional Choctaw dances?
29 Yes 1 No
Why?
20 "To keep the tradition."
3 "So the young will learn the dances."
1 "Because they are Choctaw."
6 No response

9. Do you think the traditional dance ceremonies should be retained?
16 Yes 14 No
Why or why not?
6 "To keep the tradition."
1 "To spread the art of dancing."
1 "For Choctaw heritage."
1 "To keep the custom alive."
1 "For the culture."
20 No response

10. Besides the dancers, who participates in the social dances?
20 "Anyone who wants to."
2 "Drummer and chanter."
1 "Non-Choctaw people."
7 No response

The experience of writing the paper and conducting the survey has led the author to a new awareness, an increased knowledge, and a greater appreciation of the Choctaw traditional ceremonies. Hopefully, others will also benefit from this information.

> The Earth Mother is listening to me
> and I hope that all may be so arranged
> that from now on there shall be no trouble
> and that we shall always have peace.
> —Geronimo

RECIPES

Walakši

Dumplings:

1 ½ cups flour
2 teaspoons baking powder
¾ teaspoon salt
3 tablespoons shortening
¾ cup milk
grape juice

Sift dry ingredients together. Cut in shortening and stir in milk. After mixing thoroughly, drop by spoonfuls into boiling grape juice. (Originally, wild grapes were used. The grapes were gathered in the fall; dried on the stem; and used when needed. The dumplings were made with flour pounded from corn.)

Banaha

1 pound dry peas (black-eyed or speckled)
5 cups of corn meal (plain)
8 corn husks to use as wrappers

Soak the peas overnight, then drain and cook until tender. Use a little juice from the peas to moisten the corn meal. Mix the corn meal and cooked peas together and roll the mixture into balls about the size of an orange. Flatten the balls, place in the corn husk and tie shut with strips of corn husk. Drop in boiling water and cook for 45 minutes. (Traditionally, banaha was served as bread and eaten with meat. Hint: Banaha must be taken out of the corn husks before eating!)

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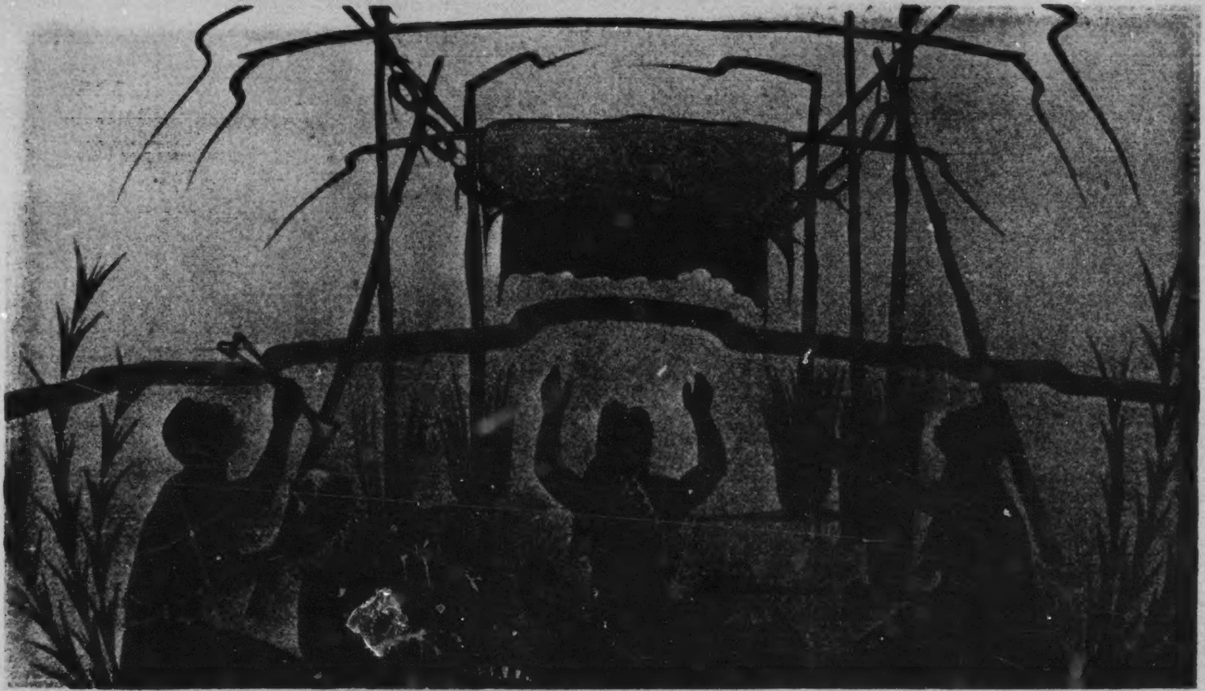
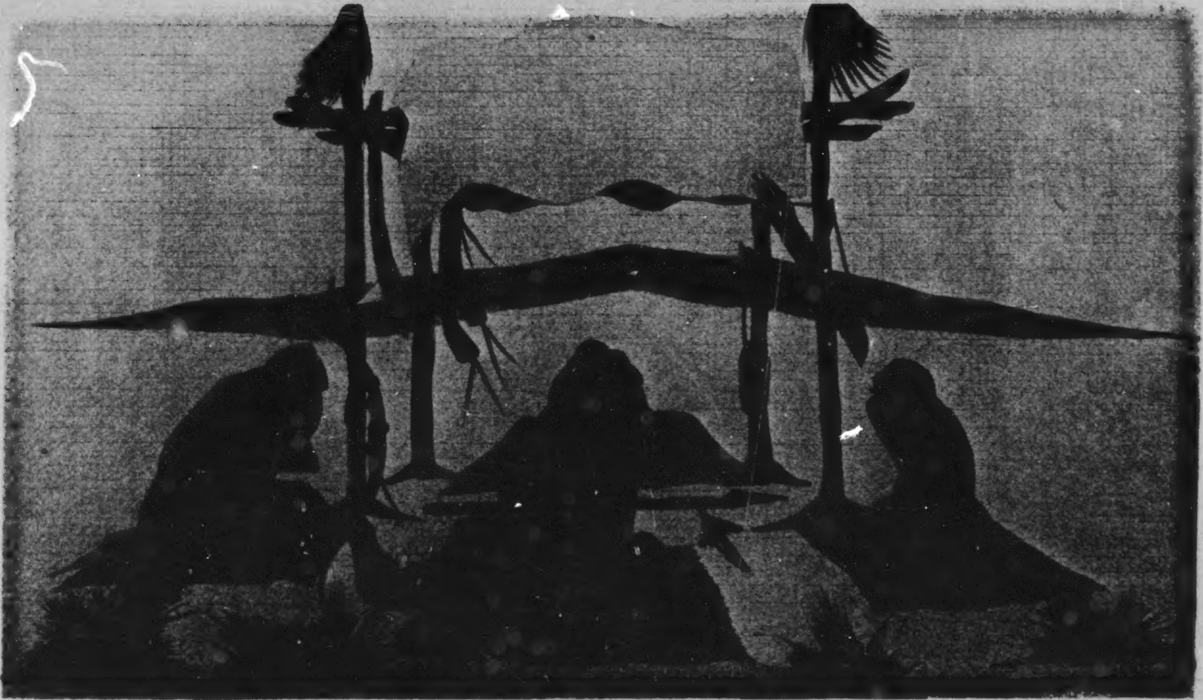
Choctaw couple dressed in traditional wedding clothing at a recent Choctaw ceremony / Photo by Brantly Studio

Close-up of banaha, traditionally served at Choctaw weddings as bread, to be eaten with meat / Photo by Bill Brescia

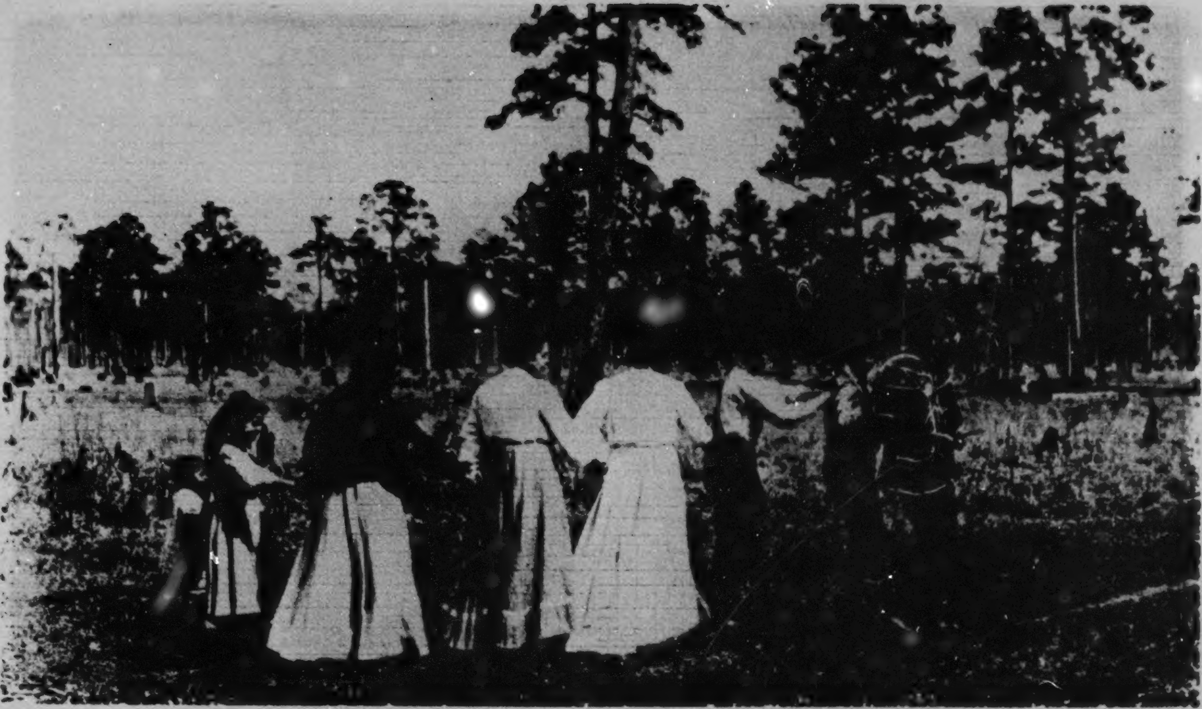


Choctaw bone-picker ceremony, funeral rites at scaffold burial, where the remaining flesh was removed from the decomposed body / Reprinted by permission Philbrook Art Center



Choctaw grave cry, mourning for the deceased. . . Poets were used at the burial site to signify the death of a tribal member. Mourning ceased when the poles were "pulled." Reprinted by permission Philbrook Art Center

Pearl River Social Dances–Modern interpretation / Photo by Brantly Studio



Snake dance, serpentine movement, Circa 1909 / Reprinted by permission Smithsonian Institution National Anthropological Archives, probably by David I. Bushnell, Jr.

> For more than a hundred winters our
> nation was a powerful, happy, and
> united people.
> —*Black Hawk*

CHAPTER 3

CHOCTAW GAMES AND COMPETITION

Sonny Tubby

In central Mississippi, the Mississippi Band of Choctaw Indians resides on the only Choctaw Reservation in the United States.[1] The reservation, comprising 17,478 acres, is the home of approximately five thousand Choctaws, descendents of those Choctaws who chose to remain in Mississippi after the removal treaties of the early 1800's.[2]

The Mississippi Choctaws are the possessors of a proud cultural heritage. Now, as in the past, games and competition are an important part of their life style. Stickball and chungkee, enjoyed as sporting events in the past, are still played today. Rabbit sticks and blowguns, originally used for hunting, are now used in competitive events at the Choctaw Indian Fair and at other social events. This paper presents brief descriptions of these four forms of competition.

STICKBALL

Stickball was played in the past for reasons other than just the spirit of competition. Games were played to earn hunting privileges on the best hunting grounds; to settle arguments over land; and to determine the best warriors.

Terry Ben, a Choctaw History teacher, granted the following interview:

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[1] Interview with Arthur Bridge, Planning Officer, Mississippi Band of Choctaw Indians, Pearl River, Mississippi, 3 February 1984.

[2] *Annual Report of Indian Lands*, Bureau of Indian Affairs, 30 September 1980. In addition to the 17,478 acres of reservation land, there are 192 acres of federal land on which the schools are located. Arthur Bridge reports that in the last three years, 110 acres of land in Pearl River and 153 acres in Crystal Ridge have been purchased by the Mississippi Band of Choctaw Indians.

Was stickball a game in the past?

"Yes, our people liked to play stickball."

What equipment was necessary in order to play?

"Two sticks, each with a cup-shaped end for catching or throwing a ball made from deerhide or cowhide. The ball was about the size of a modern golf ball."

How many players were on a team?

"As many as both sides agreed upon. Sometimes as many as a hundred players or more made up a team. Although there was no set number of players, the number on both sides was usually equal."

How big was the playing field?

"As big as both teams agreed upon. Usually, the host team chose a flat field with the goal posts placed about one mile apart."

What was the object of the game?

"To score the most points. The side scoring the most points won the game, which could last for three or four days until one side scored one hundred points. That could even take a week."

How is stickball similar to chungkee and other sports?

"Chungkee and stickball were both played with stick-like objects. The rough action of the game resembles football. It takes a lot of speed and skill to play stickball. In some respects--running, quick hands, rapid movement of the ball--it resembles basketball. That is why stickball is referred to as the 'granddaddy of all sports.'"

Did women and children play?

"Sure, the women played stickball as soon as the men's game was over. The children played mock games also. The women's and children's games could be just as rough as the men's."

Did the Choctaws play against other tribes?

"Yes, our people played against the Chickasaws, Creeks, and other tribes. They played for the right to certain property. Games between different tribes involved high stakes, like having prime hunting ground."

Did they play the game in Oklahoma after Removal?

"Once our ancestors moved to Oklahoma, they continued to play stickball. Between 1830 and 1983, I am pretty sure that the Mississippi Choctaws and the Oklahoma Choctaws have played against each other in stickball."

Has stickball changed much since Removal?

"Yes, the game has mellowed. We have rules now to regulate the actions of the players. In other words, the game is much safer to play now. Another change is that the number of players is about thirty on each team."

Are the skills required to play the games useful for other purposes?

"Yes, people who play the game may gain the knowledge of how to make stickball rackets. People who make them earn extra money. It also gives the players an excellent chance to keep their bodies in shape."

What is your opinion regarding its existence in the future?

"The game will last as long as our people and the United States exist. Our people are working hard to preserve our culture."[3]

Today, stickball is played every year during the Choctaw Indian Fair, on the Choctaw Central High School football field.

> The stick-ball game has a minimum of rules. A player must not touch the ball with his hands; he must handle the ball with the ball-sticks; any number of players can play as long as each team has an equal number. A goal post is located at each end of the field, which has no boundaries and the distance between goal posts depends on the agreement reached between the opposing teams prior to the start of the game. A point is scored when the ball strikes the goal post on the side facing the other goal post. At the beginning of the game and after each point is scored, the ball is brought to the middle of the playing field and put in play. These are the rules, such as they are; everything else, short of the general mayhem, is legal in a Choctaw stick-ball game.[4]

CHUNGKEE

Another game in which the Choctaws enjoyed participating was chungkee. This game was not a team event, like stickball, but was played with two players. The following is Cushman's description of the ancient game of chungkee:

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[3] Interview with Terry Ben, Choctaw History Teacher, Choctaw Central High School, Pearl River, Mississippi, 17 January 1984.

[4] "Choctaw Stickball 1969," Chahta Anumpa 2, July 1969, p. 1.

> An alley, with a hard smooth surface and about two hundred feet long, was made upon the ground. The two players took a position at the upper end at which they were to commence the game, each having in his hands a smooth, tapering pole eight or ten feet long flattened at the ends. A smooth round stone of several inches in circumference was then brought into the arena; as soon as both were ready, No. 1 took the stone and rolled it with all his strength down the narrow inclined plane of the smooth alley; and after which both instantly started with their utmost speed. Soon No. 2 threw his pole at the rolling stone; instantly No. 1 threw his at the flying pole of No. 2, aiming to hit it, and, by doing, change its course from the rolling stone. If No. 2 hits the stone, he counts one; but if No. 1 prevents it by hitting the pole of No. 2, he then counts one; and he, who hits his object the greater number of times in eleven rollings of the stone, was the winner.[5]

Halbert's description of the poles helps in understanding the method of scoring in chungkee. When scoring the game, the distance of the notches from the stone determined the winner. After the poles were thrown, the pole lying nearest the stone determined the winner. The number of points depended on which interval of notches landed nearest the stone. A player could score one, two, or four points.[6]

Halbert also describes how the poles were made:

> The achahpih [chungkee] poles were made of small, slender swamp hickory saplings, from which the bark was stripped, and the poles scraped down perfectly smooth and then seasoned over a fire. They were about ten feet long and the size of an ordinary hoe handle. The head or striking end of the pole . . . was made rounded. Near the head were cut around the pole four parallel notches or grooves. One-fourth of the way down were cut two more notches, and then a single notch around the center of the pole, making seven notches in all.[7]

Many Choctaw men became "caught up" by participating in or betting on the chungkee game. The stakes were, at times, high; indeed, some were known to bet all of their possessions on the game. If a person bet all of his possessions and lost, it was "not uncommon for them to go home, borrow a gun and shoot themselves. . ."[8]

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[5] H.B. Cushman, *History of the Choctaw, Chickasaw and Natchez Indians* (New York: Russell & Russell, 1972), pp. 130-131.

[6] Henry S. Halbert, "The Choctaw Achahpih (Chungkee) Game," *American Antiquarian* 10, pp. 283-284, cited by John R. Swanton, *Source Material for the Choctaw Social and Ceremonial Life of the Choctaw Indians* (Washington, D.C.: United States Government Printing Office, 1931), p. 157.

[7] Ibid.

[8] Bernard Romans, "Natural History of East and West Florida," *Publications of the Florida State Historical Society*, 1775, pp. 79-80, cited by John R. Swanton, *Source Material for the Choctaw Social and Ceremonial Life of the Choctaw Indians*, p. 155.

In an interview with Billy Chickaway, a Choctaw who has participated in chungkee competition, the following questions were asked:

How is chungkee played today?

> "The player throws a spear at the disc as someone else rolls it past him. The player tries to hit the black dot on the disc with the spear."

What are the rules?

> "The player who gets closest to the black dot wins. The disc is rolled like a wheel about ten to fifteen feet away from the contestant."

What skills are needed to play the game?

> "The skills of accuracy and coordination are needed. These are the same skills one would need for hunting and fishing with a spear."

How is the disc made?

> "The disc is made from wood. When you find a tree down, you can cut a one and one-half to two-inch thick disc that is about six to seven inches across. The center is painted black and the dot is about one inch in diameter. That is the target."

Is the game of chungkee played at the Choctaw Indian Fair?

> "The last time that chungkee was demonstrated at the Choctaw Indian Fair was in 1980. We couldn't get enough people who wanted to participate as contestants, so the game was discontinued."

Do you know anyone who makes chungkee discs?

> "I don't know anyone who makes chungkee discs, although anyone could make one. When you make a disc, you usually use soft wood. In the old days, earth colors were used to get pigment into the center for the bull's eye."

Does the game of chungkee still exist?

> "It is still played at Chucalissa."[9]

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[9] Chucalissa, an Indian village and museum, is located in Memphis, Tennessee. The word chucalissa means "abandoned houses". The site is a reconstruction of an ancient Indian village founded in about 1,000 A.D. The village was abandoned and reoccupied several times during the subsequent five hundred years. The Indians living there were farmers, craftsmen, and artists.

What are the ages of the competitors?

"Ten to twelve; and twelve and up."[10]

RABBIT STICKS

Rabbit sticks are used during competition at the Choctaw Indian Fair. They were used in the past for hunting small game such as rabbits and squirrels. Rabbit sticks were about sixteen inches long and shaped similar to a club, with the small end used for holding and throwing, and the large end used for striking. Gus Comby, a Choctaw who has made and used rabbit sticks, said during an interview: "Rabbit sticks can be made in different ways. Small ones are used in the open field, and big ones are used in broom grass and thickets."[11]

Gus continued by answering the following questions:

How were rabbit sticks used in the past?

"For hunting rabbits and playing games of accuracy."

When are rabbit sticks used today?

"They are not used much for hunting, but for demonstration at the Choctaw Indian Fair."

During competition, what are the rules?

"A person gets three tries, with three rabbit sticks, to hit a paper sack filled with cotton and tied with a string. This would be the 'rabbit'. Each player gets five points for a hit and no points for a miss. The player with the most points wins."

What are the ages of the competitors?

"No certain age. Mostly boys and men play."[12]

BLOWGUNS

Another form of demonstration seen today is competition with blowguns. Like rabbit sticks, blowguns were once used mainly for hunting. Jim Gardner, a Choctaw elder who has made and used blowguns, was asked the following questions during an interview:

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[10] Interview with Billy Chickaway, Choctaw Tribal Member, Mississippi Band of Choctaw Indians, Pearl River, Mississippi, 10 February 1984.

[11] Interview with Gus Comby, Choctaw Elder, Mississippi Band of Choctaw Indians, Pearl River, Mississippi, 10 February 1984.

[12] Ibid.

What are blowguns used for?

> "You could hunt rabbits and birds; especially at night when you can shine a light on them. You can hardly hit a bird unless it is sitting down."

How do you use a blowgun?

> "You blow out an arrow made from hickory, very straight, and its got to be little, and you need to make sure to use hard wood. You sharpen an end and tie a little cotton on the other end to make it fly straight."

How do you make blowguns?

> "Blowguns were about eight to ten feet long. Today, they are about four to six feet long. You need straight long cane. If the cane isn't straight, you can place it over a fire and bend it straight. You use a little rod to hollow out the cane. You need to get a little tobacco can, and take a nail and pound lots of holes in it, and then using the rough side, you smooth out the cane. You rub one section and then another. This makes the cane slick."[13]

Blowgun competition during the Choctaw Indian Fair involves the use of a bull's-eye target, with each ring representing a certain number of points. Each participant blows three darts at the bull's-eye from approximately twenty-five feet. The winner is the participant with the highest score.

Blanchard emphasizes the spirit of sporting compeititon and the fervor with which Choctaws participa[illegible]

> The seriousness with which Choctaws approach their sporting has a fundamental significance for Choctaw life in the twentieth century. The Choctaws are more committed to a year-round participation in sport activities than is true of other groups in the rural South. This is reflected in both the level of participation in any given sport and the attitudes expressed by the Choctaw people themselves.[14]

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[13] Interview with Jim Gardner, Choctaw Elder, Mississippi Band of Choctaw Indians, Pearl River, Mississippi, 10 February 1984.

[14] Kendall Blanchard, *The Mississippi Choctaws at Play: The Serious Side of Leisure* (Urbana, Illinois: University of Illinois Press, 1942), p. 174.

Many people visit the Choctaw Reservation in Mississippi, during July, to attend the Choctaw Indian Fair. During this event, they have the opportunity to observe the Choctaws competing and participating in various forms of the games described in this paper.

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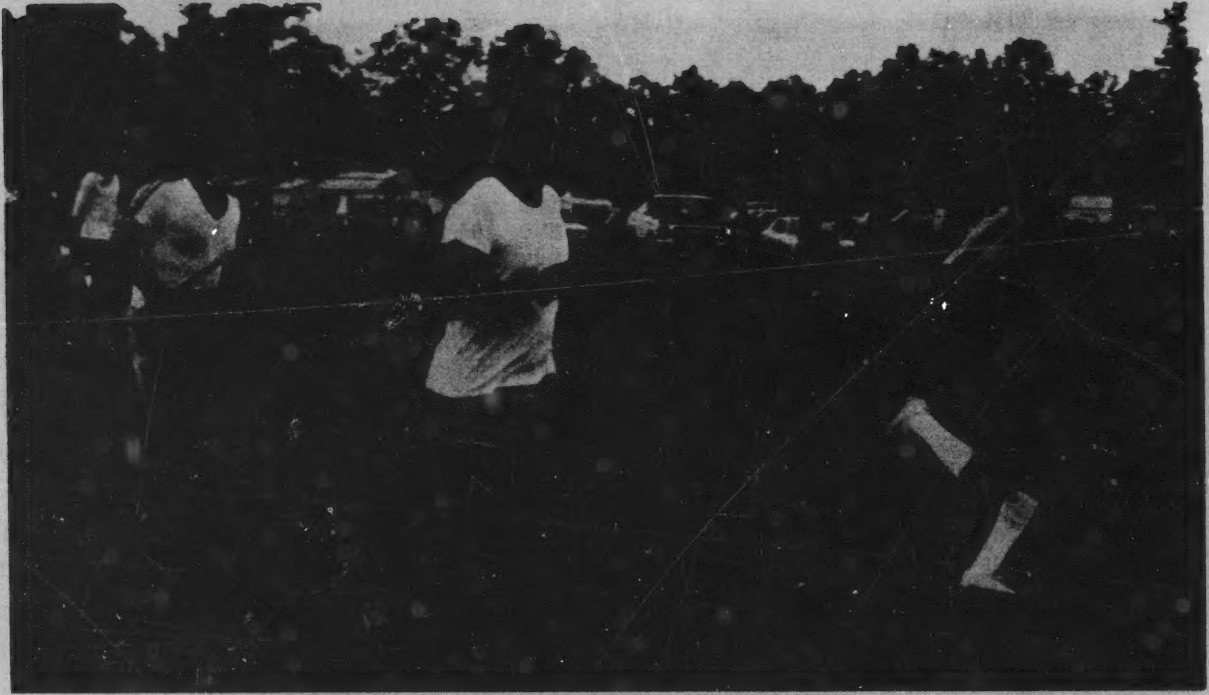
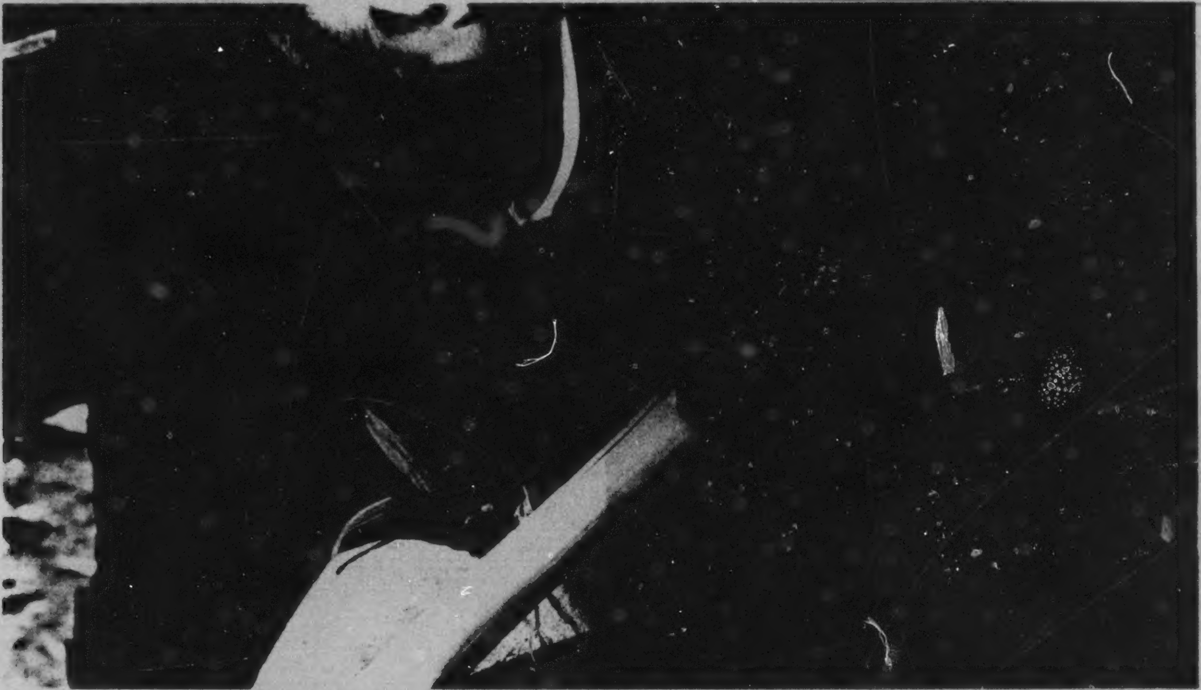


Choctaw stickball players, competing during a game at the Choctaw Indian Fair / Photo by Bill Brescia

Stickball games, as visioned in the days past . . . Competition has always been intense. / George Catlin, 1836; Reprinted by permission National Museum of American Art, Smithsonian Institution. Gift Mrs. Sarah Harrison.

Competitor, aiming at the disc during a modern game of chungkee . . . Accuracy and coordination are prerequisites for participation. / Photo courtesy of Museum of the Southern Indian, Choctaw Reservation

k in the making--used in the past for hunting small game, but now used in game
. . Carver, Cecil Dixon, Standing Pine Community / Photo by Bill Brescia



Patience is a required virtue in the making of a rabbit stick. Cecil Dixon stripping bark / Photo by Bill Brescia

A participant in blowgun competition, aiming carefully at his target / Photo courtesy of Museum of the Southern Indian, Choctaw Reservation

> Riches would do us no good.
> We could not take them to the other
> world. We do not want riches, we want
> peace and love.
>
> —Red Cloud

CHAPTER 4

CHOCTAW ARTS AND CRAFTS

Sylvia Jefferson

Arts and crafts have been an integral part of the culture of American Indian tribes for countless generations. The art and craft forms varied according to the area, the availability of natural materials, and the needs of individual tribes. Whatever the form, two common characteristics can be ascribed to each piece of work: Each was valued because it served a particular function and because it contributed aesthetically. The Choctaws are unique in preservation of their arts and crafts, passed down from generation to generation. Some of these are: Basketry, beadwork, stickball, blowguns, and drum making.

Basketry

The art of basket weaving has been with the Choctaws for thousands of years. Baskets served as storage containers and as vehicles for hauling and carrying valuables. The art of basketry is a technique not many people know today. This is one reason why many Choctaws are teaching the art to others, so that this part of their cultural heritage will not be lost.

One factor that contributes to the decline of basket weaving is that it is getting difficult to find the right cane with which the baskets are woven. The cane, usually found around swamp edges and along river banks, is becoming scarce; and basket weavers have to leave the reservation to obtain it. However, new procedures are being developed that will allow cane to be grown domestically.

Cane prepared for basket weaving is split, stripped, and laid out to dry. After drying, some of the strips are boiled with dyes to obtain the desired colors. The wet strips are again placed out to dry.[1] The basket makers originally made their own dyes from roots and bark, but now commercial dyes are used. Many colors are available, but the favorites are black and red. After the desired colors have been achieved, the weaving begins.

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[1] "Sweeny Willis on Basket Making," *Nanih Waiya* 3 (Fall 1975): 31.

Designs are created during the process of weaving. The diamond design is one of the most popular. The handle of the basket is woven into the side of the basket and then wrapped with a stripped cane. Double weaving, the weaving of one basket inside another with one continous weave of material, requires a skillful weaver! This makes the basket more durable and as decorative inside as out. Some people weave to earn money, while others weave for enjoyment.

Beading

Another form of arts and crafts is beading. In the early years, the Choctaws made their necklaces by stringing various types of bones, shells, colored stones, nuts, and berries. Beads were introduced by the white men, and were obtained through trading. According to Swanton,

> The Choctaw claim that they first obtained beads from the whites at Sugarlock, which received its name shikalla, "beads," from the circumstance. This, of course, refers to trade beads, the introduction of which enabled the Indians to make a more lavish use of beads in belts, moccasins, and other articles of use or adornment than had before been possible. One person often wore a string of beads of different colors three or four yards in length.[2]

Today, beads are used to make many kinds of beadwork. The beads are popular among the tribal members, for they make colorful ornaments to wear with their traditional clothing. The designs used in Choctaw beadwork vary among individual artisans. Some designs are significant; they may be a family's identification symbol, which is easily recognized by other artists. Although geometric designs are most commonly used, animal designs are sometimes used to honor their place in Choctaw society. Generally, religious symbolism is not used in Choctaw beadwork.[3]

Nylon thread, long thin needles, beads, and skillful hands are the ingredients for creating beautiful Choctaw beadwork. Beadwork is a favorite pastime for some of those who are skilled. Most of the beadwork is done with a threaded needle. Two threads make the beadwork durable. In the beading process, the threaded needle goes through each bead twice to increase lasting wear. Some items made from beading are: keychains, medallions, earrings, necklaces, barrettes, belt buckles, headbands, and watchbands.

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[2] John R. Swanton, *Source Material for the Social and Ceremonial Life of the Choctaw Indians* (Washington, D.C.: United States Government Printing Office, 1931), p. 43.

[3] Interview with Harry Folsom, Oklahoma Choctaw, Pearl River, Mississippi, December 1983.

Sticks and Stickballs

The stickball game (kabočča toli), a long-time favorite of the Choctaws, has undergone little change over the years. Three changes that have occurred, however, involve the time in play, the number of players, and the size of the playing field.

In the past, game length was not a factor, and sometimes a game lasted for days; whereas today, a game lasts four quarters (each quarter timed for twelve or fifteen minutes). At times, hundreds of players participated on each team; but now, each team consists of approximately twenty members, as long as the number is equal. Initially, the playing field could stretch for miles, even from village to village; while today, the playing field is usually one hundred yards, making football fields select choices.

Consistent with the past is the present-day stickball equipment, balls and sticks. One stickball is used during the game, and each player uses two sticks. The ball is larger than a golf ball, but smaller than a tennis ball. The sticks are about two and-one-half to three feet in length. The Choctaws make their own stickball equipment.

The stickballs (towas) are made from cloth strips, thread, leather thongs, and something solid for the center. William Jackson and Jim Gardner are two Choctaw elders who make stickballs. Jackson "uses a one-half inch cube wood block for the center of the ball. This cube is wrapped with cloth strips until it is about two inches in diameter." Next, the cloth strips are tightly bound with thread; then, deerskin strips or thongs are woven "around the ball as the covering."[4] Gardner "prefers old socks or rags" for the center of the ball. ". . . The making of a towa calls for the use of three thongs at the beginning. . . . [A] large ball requires thirteen thongs, and a small ball, nine." He uses thongs made from deer or goat hide.[5]

The stickball sticks (kabočča) are made from hickory trees. Other trees may be used, but hickory is considered best. After the tree is cut down, it is halved or quartered. Next, the bark is peeled off and the basic shaping begins. The wood is trimmed and shaved to attain the desired smoothness and thickness before bending. To prevent the wood from cracking or breaking, it is soaked in water, heated, and dipped in hot grease. "After the cup is bent it is tied in place with strips of bark." Then, "at just the right moment, hot but not burning, the wood is stretched over a pointed log, then forced wider open." To complete the cup, it is shaved one last time to smooth any rough edges and to increase the width. Then, "the cup is bound with hide to hold it in place. . . ." Finally, three holes are made in the cup with a heated metal rod, and leather thongs are threaded through the holes to form the cup.[6]

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[4] Bradley Williams, "Choctaw Stickball," in *A Choctaw Anthology*, eds. Jane Anderson and Kennith York (Philadelphia, Mississippi: Choctaw Heritage Press, 1983), p. 44.

[5] Albert Mingo and Victor Morris, "Making a Towa," *Nanih Waiya* 4 (Spring 1977): 25.

Blowguns

During a telephone interview, Ken York, a Mississippi Choctaw working with the Tunica-Biloxi Indians in Louisiana, responded to some questions about blowguns. Blowguns are made from long, straight cane, approximately four to six feet long. In time past, blowguns ranged from six to nine feet in length, depending on the size of person for whom the blowgun was made.

The first step in making a blowgun is to select the appropriate cane. After the cane has been selected, it is cut to the desired length; and a hole is made through the center by running a metal rod through the cane to make it hollow. The entire length of a cane is made hollow, so that air blown in one end will send the dart flying out the other end.

The darts, a few inches in length, are made from smaller, split cane. One end of the dart is sharpened, and a piece of cotton is attached to the other end to give the dart stability during flight.

Blowguns were made by Choctaw ancestors and were used for hunting small animals and birds. Although they are not used much for hunting today, they are used in competition during social gatherings, such as the Choctaw Fair.

At the end of the interview, Ken said that he hopes that the Choctaws will continue to make and use blowguns, so that part of the culture will be preserved. He learned these skills from his father.[7]

Drum Making

Long ago, the drum was a part of many Choctaw functions. During stickball games, the drum was beaten continually during play. The sound of the drum carried for as far as five miles. If tribal members were traveling to a game and were late, it was possible for them to know the score and how the game was progressing, from the message told by the drummer. The drum was used to send messages and to call people together for meetings and social gatherings. It was also used during social dances to provide rhythm for the dancers. In addition, it may have been used at time of war.

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[6] Carolyn Reeves and Bill Brescia, *By the Work of Our Hands: Choctaw Material Culture* (Philadelphia, Mississippi: Choctaw Heritage Press, 1982), pp. 5-9.

[7] Interview with Kennith York, Mississippi Choctaw Tribal Member, Tunica-Biloxi Indians, Marksville, Louisiana, February 1984.

Today, the drum is used mainly at stickball games and for calling people together. During social dances, instead of a drum, sticks and chanters are used to provide the rhythm.

Drums are currently made in much the same manner as in the past. According to Barney Wesley, a respected Choctaw elder, the materials needed for making a drum are: a hollow tree, rope, hide, chisel, and knife.

First, a good hollow tree is located, one that does not have any cracks or holes. Barney says that tupelo gum, pine, or hickory trees are the best. A section of the tree is cut and checked for cracks or holes. If the section is in good condition, a chisel is used to peel off the outer bark and make the inside of the drum smooth and round. Next, a draw knife is used to cut away the inner bark and to smooth and round the outside of the drum. After this, the dimensions are checked for consistency. A small hole is drilled in the center so that air pressure will not build up in the finished drum. Next, the rims of the drum are made.

Choctaw drums have a head on both ends, so two inner rims and two outer rims are made. The best wood to use for the inner rims is hickory, not marked with knots. The hickory is shaped and thinned with a draw knife. It is then bent to fit inside the drum and left a few days to dry, while it becomes the necessary shape for the rims. After that, pieces of raw hide are stretched over the hickory rims. The outer rims, made from pine, are shaped and drilled with holes. These are placed over the two heads (raw hide pieces stretched over the hickory). Ropes are threaded through the holes in the pine outer rims and tightly secured. When the ropes are positioned and secured, leather strips are placed on the ropes in order to adjust the tone of the drum. Finally, a shoulder strap is attached to the drum and it is finished.[8]

Visitors to the Choctaw Reservation, located in the Pearl River Community near Philadelphia, Mississippi, may visit the Arts and Craft Center or the Museum of the Southern Indian. On display and for sale are many fine examples of the art and craft work of the Mississippi Choctaws. Baskets, beadwork, blowguns, stickballs and sticks, clothing, drums, and other interesting items can be viewed and purchased. The Mississippi Choctaws take pride in their handiwork, which reflects their dedication to their heritage.

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[8] Interview with Barney Wesley, Choctaw Elder, Mississippi Band of Choctaw Indians, Neshoba County, Mississippi, March 1984.

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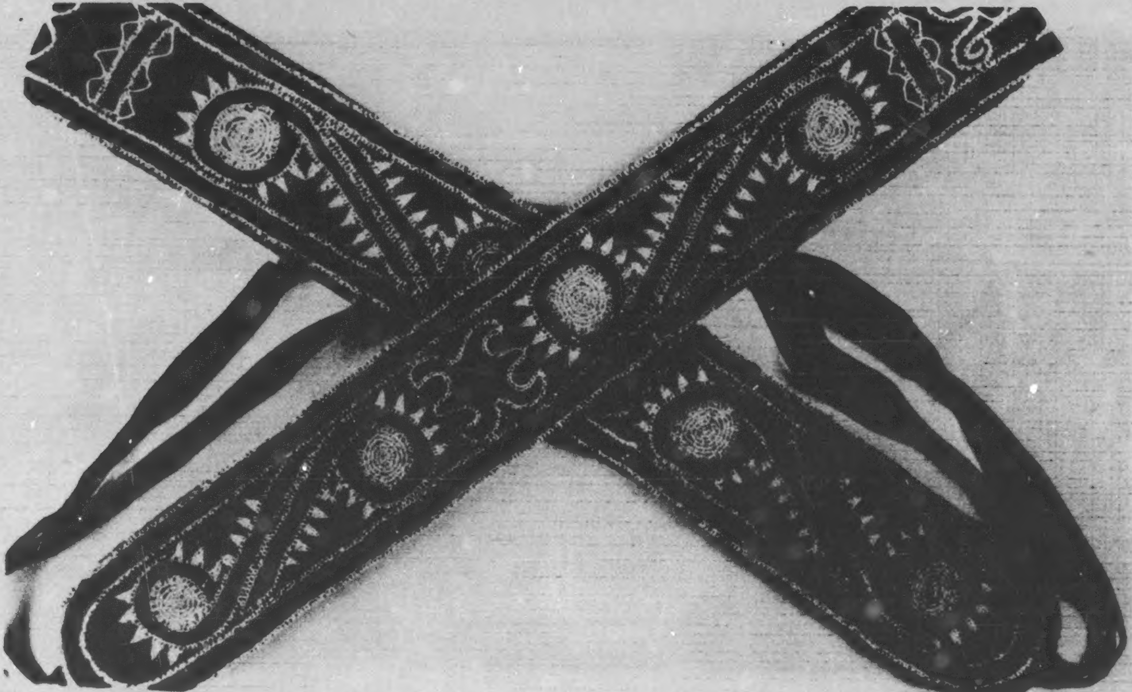
Esbie Gibson collecting cane, that will be stripped and woven into baskets, Horseshoe, Mississippi / Photo by Bill Brescia

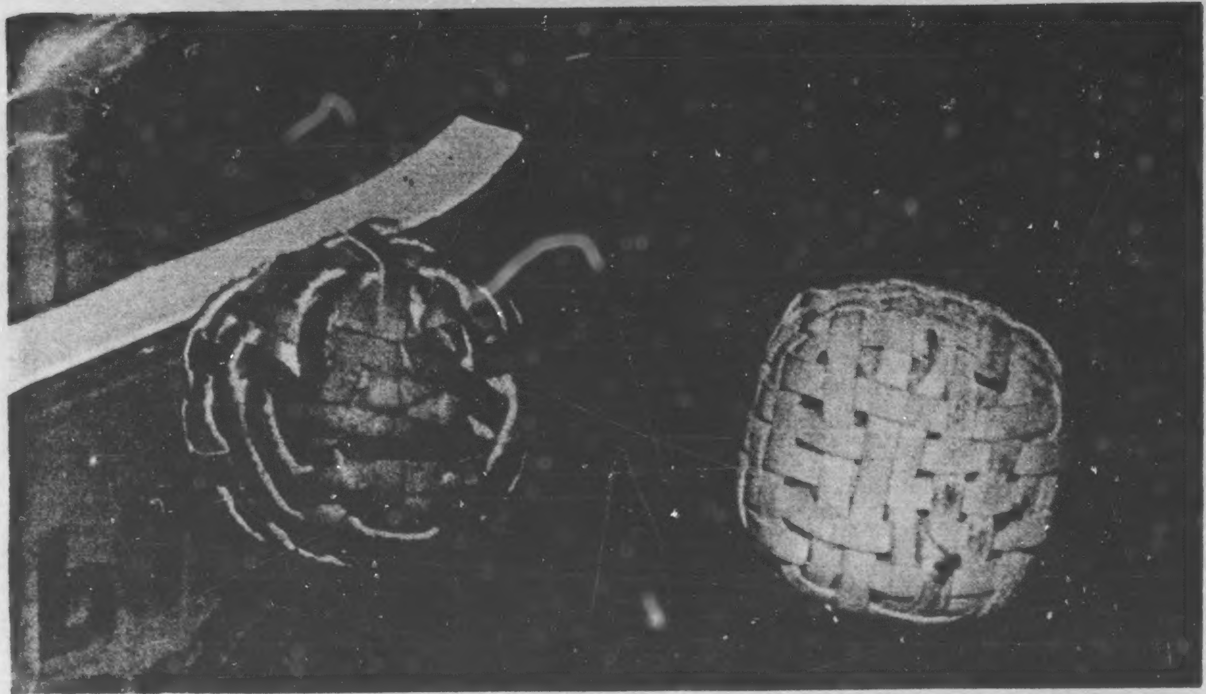
Handcrafted Choctaw baskets, in various sizes, patterns, and shapes / Photo courtesy Museum of the Southern Indian, Choctaw Reservation



Beaded Choctaw sashes, one example of the many kinds of beadwork crafted on the Reservation / Photo courtesy of Museum of the Southern Indian, Choctaw Reservation

Young Choctaw wearing beaded accessories and traditional clothing / Photo courtesy of Museum of the Southern Indian, Choctaw Reservation

ayers preparing for competition at the 1982 Choctaw Fair / Photo by Bill Brescia

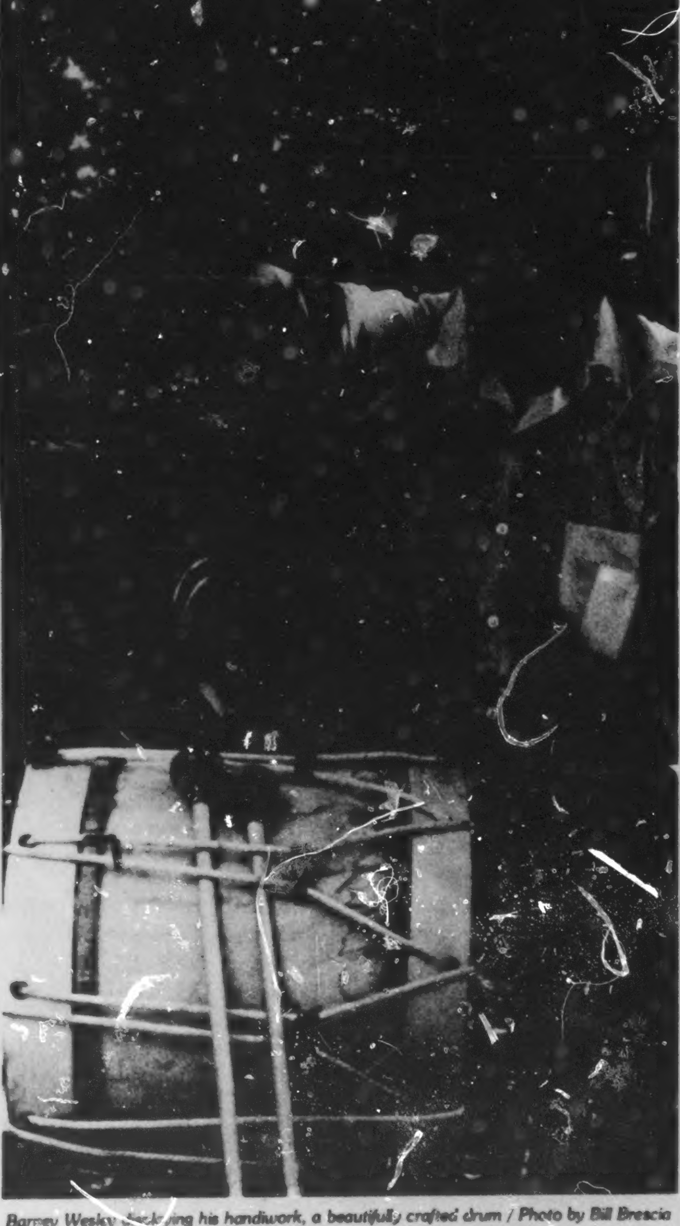


Close-up of stickballs (towas), used in stickball games . . . The towas are approximately the size of golf balls. / Photo by Claude Allen

Blowgun competitor at the 1983 Choctaw Fair / Photo by Brantly Studio

Barney Wesley appraises a hollow tree section, to be used in the making of a drum. / Photo by Bill Brescia

Drum making nearing its final stages / Photo by Bill Brescia



Barney Wesky displaying his handiwork, a beautifully crafted drum / Photo by Bill Brescia

CHAPTER 5

CHOCTAW HEALTH AND MEDICINE

Marion Ben

Like many Native American tribes, the Mississippi Choctaws place great importance on the presence of a medicine man in their tribal structure. In the past, his position in the tribe was based on respect for his knowledge, his ability, and his powers. For hundreds of years, the Choctaws sought help from their medicine man, turning to him for healing and other services.

The early Choctaws held the belief that diseases originated from nature; therefore, along with this belief, they thought that the illnesses they incurred should be treated with nature's remedies.[1] The medicine man had knowledge of the plant life used for medicinal purposes, and was the person who administered the treatments. Treating people, however, was not the only duty he was asked to perform.

The Choctaws believed their doctor possessed supernatural powers and knowledge of the hidden laws of nature. He used these powers to help hunters and fishermen provide suitable food and clothing for the tribe. He made animals come unafraid out of the forest and made fish willing to be caught. He could provide the warriors with bravery, strength, and skill. He could expel "the evil spirits of disease from the bodies of the sick," and when a stickball game was to be played, he had the power to decide the outcome of a game. After the medicine man designated which team would be victorious, he would choose one of two ways to make that team win. He would either cast a spell over the goal post to prevent the opposing team from scoring, or cast a spell over the opposing team's most valuable player to prevent him from scoring.[2]

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[1] H.B. Cushman, History of the Choctaw, Chickasaw and Natchez Indians (New York: Russell & Russell, 1972), p. 169.

[2] Ibid., p. 172.

Although he was expected to perform these various duties, he was probably relied on most heavily for his healing and his medicine. If the medicine man was unable to cure a patient, he would tell his patient's family that his powers were exhausted, and that the best thing for the patient would be to spare him of his misery. Many Choctaws had so much faith in their doctor that they consented to the killing of their family member.[3]

From the time the Whiteman and the Choctaws made contact with each other in the seventeenth century, the Whiteman has had a great influence on the Choctaws and their way of life. One factor stemming from this contact is that the Choctaws gained valuable knowledge about health care and new uses of medicine. The knowledge that the Choctaws gained from the Whiteman has caused many Choctaws to abandon their belief in the medicine man. Many now believe that modern doctors and their medicine are the healers of today.

Not all Choctaws of today disbelieve in the powers of the medicine man. Those who still have faith are usually found among the elders of the tribe.

In 1926, a hospital was built in Philadelphia, Mississippi, to provide help for the Choctaw Indians. The hospital was a twenty-eight bed facility.[4] In 1973, the United States House of Representatives approved the replacement of this hospital with a new one to be located on the Choctaw Indian Reservation. In 1976, the new forty bed hospital was opened. The Health Care Center is located in the Pearl River Community. Five months after it opened, the Center received accreditation from the Joint Commission of Accreditation of Hospitals.[5]

As mentioned before, many of the Choctaws still believe in the ability of the medicine man. The Choctaw Health Center is the first health care facility in Mississippi to have a "traditional doctor" (medicine man).[6] Although Pete Dyer has never completed any formal medical training, he holds the title of "Doctor". Dr. Dyer is a herbalist.

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[3] James Adair, The History of the American Indians (London: 1775), p. 129, quoted in John R. Swanton, *Source Material for the Social and Ceremonial Life of the Choctaw Indians* (Washington, D.C.: United States Government Printing Office, 1931), p. 213; H.B. Cushman, *History of the Choctaw, Chickasaw and Natchez Indians*, p. 171.

[4] Benjamin Strout, "A New Era", in *Choctaw Tribal Government, A New Era*, ed. William Brescia (Philadelphia, Mississippi: Choctaw Heritage Press, 1982), p. 36.

[5] Telephone Interview with Jim Cox, Administrator, Choctaw Health Center, Pearl River, Mississippi, March 1984.

[6] Interview with Dr. Pete Dyer, Choctaw Medicine Man, Pearl River, Mississippi, February 1984.

He has been working with the Health Care Center full time since 1969. When asked how he became a herbalist, he replied, "I was born with it; it was given to me by the Almighty."[7] Having the title of Traditional Medicine Specialist enabled him to receive his license to register as a doctor. This was approved by the County of Neshoba and the State of Mississippi.

A patient of the Choctaw Health Center has a choice of seeing a medical doctor or the traditional doctor. If the patient chooses to see Dr. Dyer, he or she will not receive any medication until the day after the diagnosis has been made. Dr. Dyer brings to his office only the medicine that he has prescribed for the patient. He says he treats an average of thirty or forty patients a day.

Dr. Dyer says he has a cure for arthritis and is able to detect cancer merely by the appearance of the patient. When asked how long he will treat patients, he replied, "Till I close my eyes and stop breathing."[8]

Dr. Stan Smith, Director of the Choctaw Community Mental Health Center, stated that the purpose of having a traditional medicine man on staff is to provide a wholistic and traditional approach to the healing and well-being of the mind, body, and spirit. He feels that having Dr. Dyer on staff makes the Health Center services complete and culturally appropriate.[9] Compared with other Indian Mental Health Centers, the Choctaw Health Center is considered to be "unique". It is licensed by the State of Mississippi and receives funds from both Federal and State Governments.

The Health Center provides a community mental health program. Before this program was added, patients with emotional problems were sent to other hospitals for treatment, but therapy for the white, middle-class population did not appear appropriate for the needs of Choctaw clients. Two contributing factors were the language barrier and cultural differences. Now that a mental health program has been established on the Choctaw Reservation, patients have the convenience of proximity to their homes.

Dr. Smith feels that the Mental Health Agency has expanded more into the concern for the quality of life and the prevention of problems.

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[7] Ibid.

[8] Ibid.

[9] Interview with Dr. Stan Smith, Director of Choctaw Community Mental Health Center, Pearl River, Mississippi, February 1984.

One such problem has been the inability of some individuals to adjust to or cope with work or work surroundings. Wanda Kittrell, working with the agency, has been successful in helping these people perform job-related duties. She visits the clients at the job location, analyzes the situation, and makes recommendations. To date, out of approximately forty people, she has helped all but two.

In addition, the Choctaw Mental Health Agency helps people with problems in alcohol abuse; people with self-destructive tendencies; people with emotional, cutural, or social difficulties; and people with spiritual problems.[10] Concepts such as "stress inoculation" and "treatment with hypnosis" are part of the Center's wide range of services.

On January 1, 1984, the Choctaw Health Center was turned over to the Choctaw Tribal Government by the Federal Government. This transfer is considered a great achievement for the Mississippi Band of Choctaw Indians. They are the first tribe in the nation to accomplish a task of this complexity.

> Are you living in a new path?
> —Sitting Bull

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[10] Ibid.

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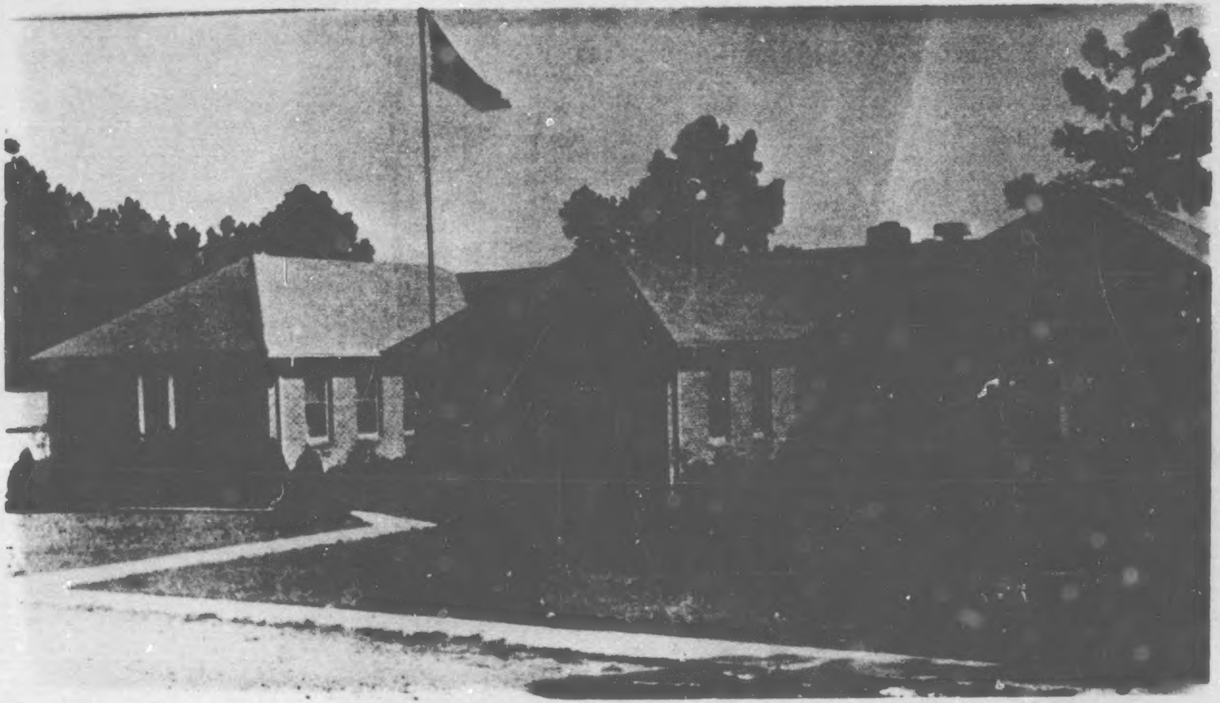
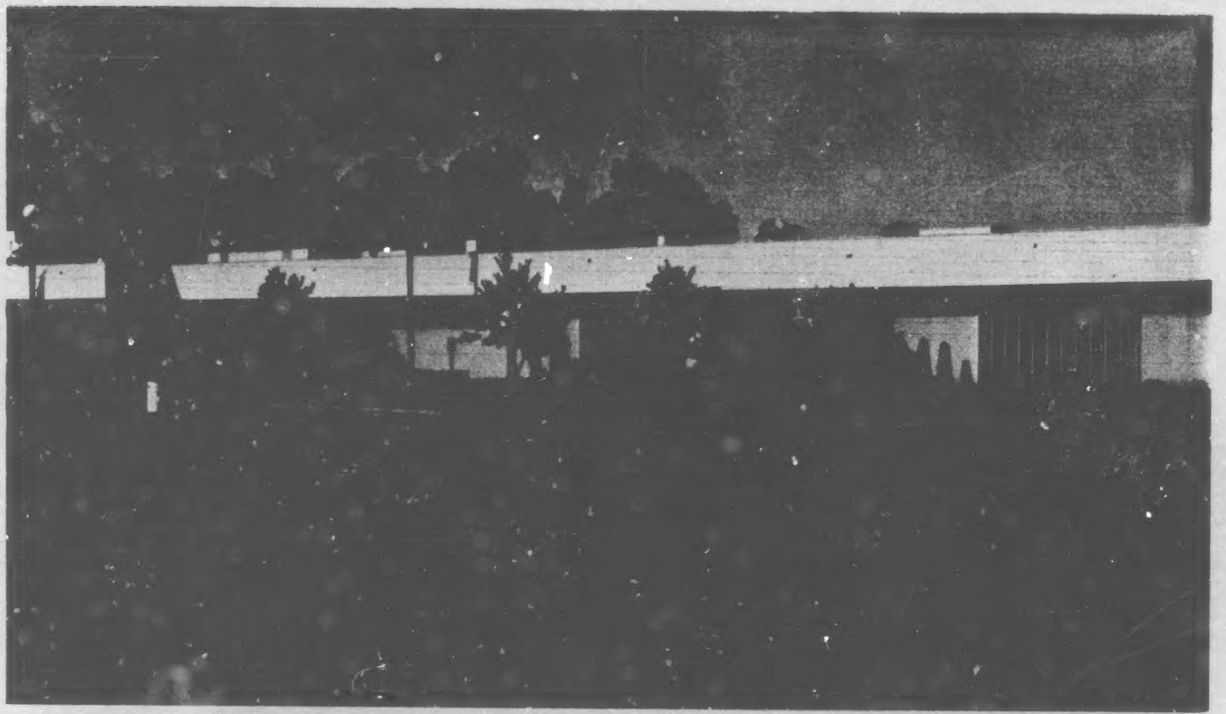


The first Choctaw Hospital was built in 1928 in Philadelphia, Mississippi. This photo was taken in 1933. / Photo acquired from BIA Report



The Choctaw Health Center today, located in the Pearl River Community outside Philadelphia, Mississippi / Photo by Bill Brescia

Dr. Stan Smith, Director, Choctaw Community Mental Health Center; Maxine Dixon, Tribal Council member and Chairwoman, Health Committee / Photo by Bill Brescia

DR. PETE DYER

Dr. Pete Dyer, herbalist and Choctaw Medicine Man / Photo by Edward John

The Indians' night promises to be dark.
—Chief Seattle

CHAPTER 6

TREATY OF DOAK'S STAND

Mark Allen

During the early 1800's, the attitude of the United States Government changed toward Indian tribes. Prior to this time, tribes were considered to be independent entities, maintaining and governing their own territories, and perpetuating their own languages and cultures. Then, as more and more settlers began moving farther and farther west, the Federal Government determined that Indian tribes should be relocated west of the Mississippi River in an area that became known as Indian Territory. Thus, the United States allocated money for a series of removal treaties to be negotiated with tribes east of the Mississippi River.

The Treaty of Doak's Stand, a land exchange treaty, was the seventh signed between the Choctaw Nation and the United States. The treaty was signed October 18, 1820, and was ratified January 8, 1821. The Choctaws ceded 5,169,788 acres of their Mississippi homeland for 13,000,000 acres in what is now the southern portion of Oklahoma and a small portion of western Arkansas.[1]

At this time, "The Choctaws comprised a powerful tribe which had played a significant role in the diplomacy of the lower Mississippi Valley for generations."[2] Many considered them an obstruction to the development of the Old Southwest.[3] Discussions were underway to remove the Chickasaws and the Choctaws to lands west of the Mississippi River.[4]

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[1] Charles J. Kappler, comp., Indian Affairs: Law and Treaties, vol. 2 (Washington, D.C.: United States Government Printing Office, 1904), pp. 191-195.

[2] Ronald N. Satz, American Indian Policy in the Jacksonian Era (Lincoln, Nebraska: University of Nebraska Press, 1975), p. 67.

[3] The Old Southwest refers to land that is presently Mississippi, Alabama, Western Georgia, Southern Tennessee, and the Florida Panhandle. Interview with John Guice, Historian, University of Southern Mississippi, Hattiesburg, Mississippi, 2 February 1984.

[4] Ronald Satz, American Indian Policy in the Jacksonian Era, p. 67.

In April 1819, the year preceding the signing of the Treaty of Doak's Stand, General Andrew Jackson in a letter to the Choctaw Agent, John McKee, stated that "I have received a commission from the President [James Monroe] to hold, in conjunction with yourself and Colonel [Daniel] Burnett, a treaty with the Choctaws." Jackson suggested that McKee send "young Pitchlynn, eldest son of the interpreter to the nation" to explain some of the treaty stipulations to the chiefs and warriors.[5]

The events that succeeded this letter are evident in the correspondence between the principals involved in the treaty negotiations, and the talks at the Choctaw Treaty Ground, recorded by Samuel R. Overton.

On August 12, 1819, in a General Council of the Choctaw Nation. Mushulatubbee and Pushmataha expressed their opinions about the land exchange suggestion. Mushulatubbee: "We are sorry that we cannot comply with our father's request; a man cannot make up his mind at once to suit every object; but we have made up ours to remain where we have always lived." Pushmataha: "We wish to remain here, where we have grown up as the herbs of the woods; and do not wish to be transplanted into another soil."[6]

Secretary of War, John C. Calhoun, informed Jackson that Congress had appropriated $20,000.00 to defray expenses for negotiating the treaty, and that Jackson and General Thomas Hinds of Mississippi had been appointed commissioners.[7] The $20,000.00 was in the form of a bank draft on the Bank of Natchez.[8]

Jackson, in his reply to Calhoun, said that he had decided not to be involved in any more Indian treaties; but since the President requested that he be the commissioner, he complied. In addition, he felt he owed ". . . a debt of gratitude to the people of Mississippi and their late Governor for their support in our late struggle with Great Britain. . . ." Jackson stressed the necessity of determining the boundary lines of the land west of the Mississippi, designated for the Choctaws.[9]

In June, James Pitchlynn wrote Calhoun informing him that the chiefs, including Mushulatubbee and Pushmataha, and principal men of the two districts, Lower and Six Towns, were willing to meet and

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[5] *American State Papers: Documents, Legislative and Executive of the Congress of the United States.* 38 volumes. Washington, D.C.: Gales and Seaton, 1832-1861. Class 2: Indian Affairs, 2 volumes (Washington, 1832-1834), p. 229. Hereinafter cited: ASP: IA, vol. 1 or 2.

[6] ASP: IA, vol. 2, p. 230.

[7] ASP: IA, vol. 2, p. 230. Letter from John C. Calhoun to Andrew Jackson, May 23, 1820.

[8] ASP: IA, p. 232. Letter from C. Vandeventer, Chief Clerk, to Andrew Jackson and Thomas Hinds, August 21, 1820.

[9] ASP: IA, pp. 230-231. Letter from Jackson to Calhoun June 19, 1820.

"hear the talk of their father the President of the United States."[10] In July, Calhoun sent the formal commission to Jackson and Hinds to treat with "the Choctaw nation [sic] of Indians."[11] In preparation for the forthcoming treaty negotiations, Jackson and Hinds appointed Samuel R. Overton, Esq. to be recording secretary at the rate of five dollars a day.[12]

On September 14, 1820, "... Jackson and suite left ... for Doak's Stand, on the Natchez road [sic], for the purpose of holding a treaty with the Choctaw Indians." He arrived at Doak's Stand September 28th, followed by Hinds and McKee on September 30th. On October 3rd, Apukshunnubbee and Pushmataha arrived, along with seventy or eighty men; and on October 6th, Mushulatubbee "arrived with only two of the headmen and warriors of the district under his command."[13]

On October 9, the Choctaws had a ball game followed by a dance, and the next day, the commissioners met with the "chiefs, headmen, and warriors. ..." At this meeting Jackson and Hinds made a long speech explaining reasons for negotiating the treaty and the stipulations therein.[14] After this speech had been delivered, Apukshunnubbee requested "... that all he had to say, as well as the talks of all his chiefs and headmen, should be taken down in writing." The commissioners complied.[15]

On October 11th and 12th, the "chiefs, headmen, and warriors of the Choctaw nation [sic] were convened at their council house." On October 13th, Jackson and Hinds made another lengthy speech, again explaining the reasons for and the stipulations of the treaty. On October 14th, this talk was interpreted to the Choctaws. On October 15th, the commissioners met with Apukshunnubbee; and the next day, the chiefs, headmen, and warriors met in council. On the 17th, all met with the commissioners and another speech was delivered by Jackson and Hinds.[16]

After that, the Choctaws were informed "... that on to-morrow [sic] the treaty would be presented for signature. ..." On October 18, 1820, the treaty was read and explained to the Choctaws and then

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[10] ASP: IA, p. 231. Letter from Pitchlynn to Calhoun, June 22, 1819.

[11] ASP: IA, p. 231. Letter from Calhoun to Jackson and Hinds, July 12, 1820.

[12] ASP: IA, p. 233.

[13] ASP: IA, pp. 234-235.

[14] ASP: IA, pp. 236-237.

[15] ASP: IA, p. 237.

[16] ASP: IA, pp. 237-240.

"submitted to them for their signature." The following day, "with the names subscribed," the treaty was presented to the United States Commissioners. On October 20, 1820, the treaty was concluded.[17]

Congress, at its next session, appropriated $65,000, to put the treaty into effect. In March, 1821, the Secretary of War, John C. Calhoun, notified Maj. William Ward, the Choctaw agent, that Ward would supervise the emigration of the Choctaws.[18]

However, when the provisions of the Treaty of Doak's Stand became known in Arkansas Territory, protests were made. Over three hundred and fifty "families of squatters" had settled on this Arkansas section of Choctaw land, and they did not want to move. Congress yielded and "diverted the appropriation of $65,000 to the making of a new treaty to change the line due south from the southwest corner of Missouri." No sooner had this been done, then Arkansas asked for another extension, that of moving "the line forty miles west." The Choctaws, however, "stood firmly" on the Treaty of Doak's Stand, "and the result was the Treaty of Washington [Treaty of Washington City, 1825]."[19]

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[17] ASP: IA, p. 241.

[18] Dunbar Rowland, ed. *Mississippi, Comprising Sketches of Counties, Towns, Events, Institutions, and Persons, Arranged in Cyclopedic Form* 2 (Southern Historical Association, 1916), pp. 4-7.

[19] Ibid., p. 7-8.

Author's Note:

In Search of Doak's Stand

Doak's Stand . . . While conducting the research, reading books, articles, and maps, and writing countless drafts for this paper, I began to wonder about the treaty site. Where was it? What did it look like? Was there a marker similar to the one at the site of the Treaty of Dancing Rabbit Creek?

I questioned several people and the responses were all the same: vague, uncertain, or speculative. No one seemed to really know, so I decided to find out.

I began by asking for ideas from my teacher, Dr. Jane Anderson. Our class was scheduled to go to Jackson to visit the Mississippi Department of Archives and History, and she suggested that I begin there. While there, I searched for maps or documents that would "lead" me to the treaty site. I discovered evidence that indicated the site was located in Madison County, Mississippi.

From the Madison County Court House, in Canton, Mississippi, I obtained three documents that eventually "led" to the site: a surveyor's map, 1823; an aerial photograph, 1965; and an ownership map laid over from aerial photographs, 1982. The site is located in the southeastern corner of Madison County.

On January 19, 1984, along with my classmates and teachers, I visited the site. It is on the north side of Sulphur Springs Road. This road is the south boundary. As I got out of the van and stood facing north, I saw a sloping hill to the east that leveled out into an open field, lined with trees to the north. Doak's Creek flowed along the west edge and then under a bridge on Sulphur Springs Road.

I walked all around the open area and along the creek bank before returning to the van. My thoughts were heavy. There was no marker at the site. There is, however, a marker on the Natchez Trace, a little south of where Highway 16 intersects the Trace. This marker describes the treaty, and directs the way to the general vicinity of the site.

On February 2, 1984, two weeks after the visit to "Doak's Stand", Sam Wells, a historian from Hattiesburg, Mississippi, visited our class. He told us about some of the research he had conducted about the Choctaws. At the end of his talk, he allowed each of us time to discuss our research topics and to ask questions. Following is a summary of what he told me about "Doak's Stand".

During this period in history, two roads were major communication lines between Washington, D.C. and the New Orleans area. One road, Federal Road, passed through the Creek Nation (north of Mobile, Alabama), around Fort Stoddard and Fort St.

Stephens, then continued west to the vicinity of Hattiesburg, Mississippi, crossed the Pearl River, and continued into Louisiana.

The second road was the Natchez Trace. This was an old Indian trail connecting Nashville, Tennessee and Natchez, Mississippi. In the treaty of Fort Adams, 1801, between the Choctaw Nation and the United States, and the Treaty of Chickasaw Bluff, October 24, 1801, between the Chickasaws and the United States, the United States negotiated to control this trail. Thus, it became an important route for traveling and for communication.[20]

Located at various intervals along the Natchez Trace, were the "stands". These stands served as rest havens for travelers; as relay stations for mail riders; and as trading posts where goods were bought and sold. Many of these stands were run by Choctaw mixed-bloods.

Although little is known about Doak, Sam has a strong hunch that he was a mixed-blood; or at the very least, a countryman (a White Man who lived in Indian country, and who many times had an Indian wife). Sam has found the name L. Doak on the Armstrong Role (Armstrong was the name of the government official that took the Choctaw census before Removal), but Sam does not know that he was the man who ran the stand that was to become the site of the Treaty of Doak's Stand.[21]

I hope that someday a marker will be placed at the site, so that all will remember . . .

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[20] Charles C. Royce, comp., _Indian Land Cessions in the United States_ (Washington, D.C.: United States Government Printing Office 1900; reprint ed., New York: Arno Press, 1971), p. 660.

[21] Interview with Sam Wells, Historian, Hattiesburg, Mississippi, 2 February 1984.

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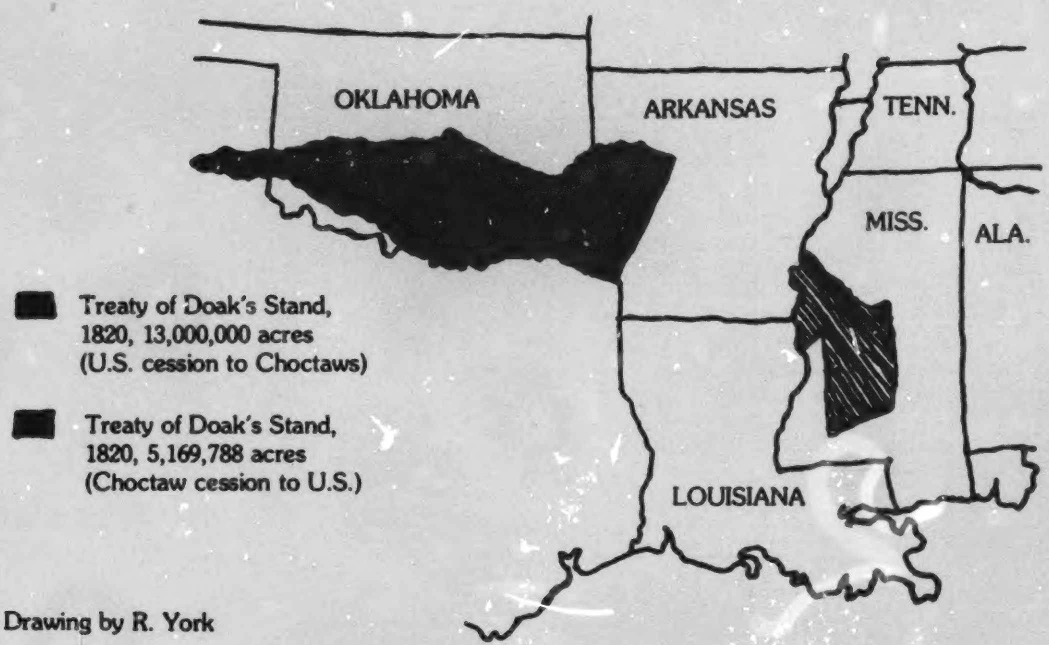
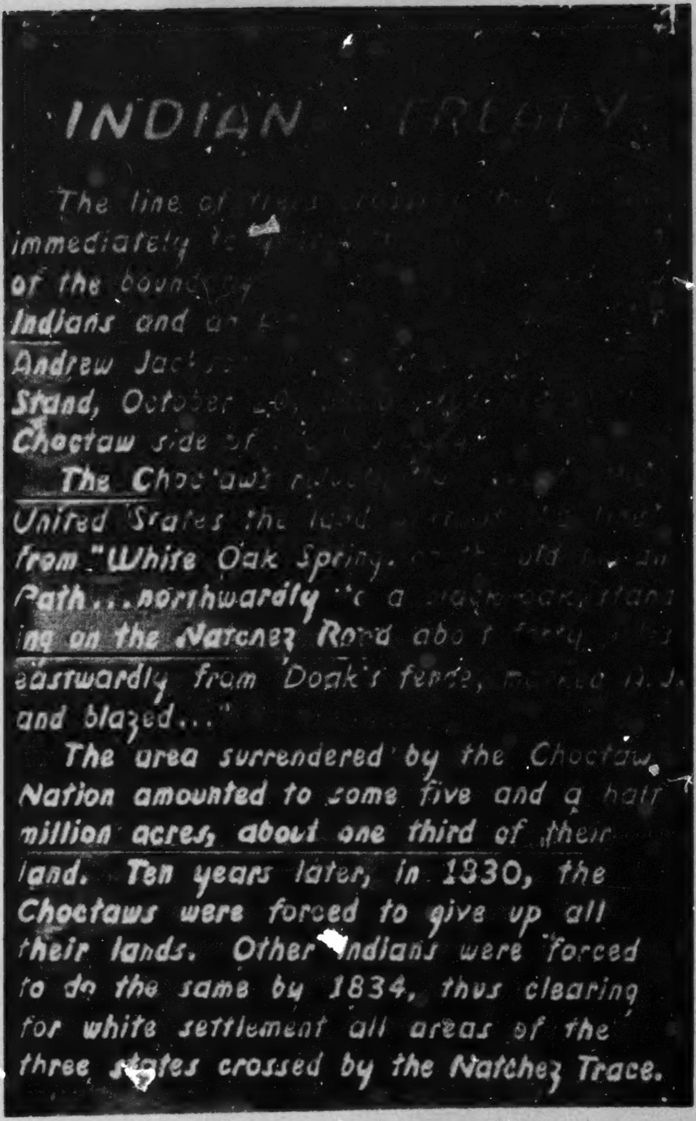
Treaty of Doak's Stand


OKLAHOMA
ARKANSAS
TENN.
MISS.
ALA.
LOUISIANA
■ Treaty of Doak's Stand, 1820, 13,000,000 acres (U.S. cession to Choctaws)
▨ Treaty of Doak's Stand, 1820, 5,169,788 acres (Choctaw cession to U.S.)

Drawing by R. York

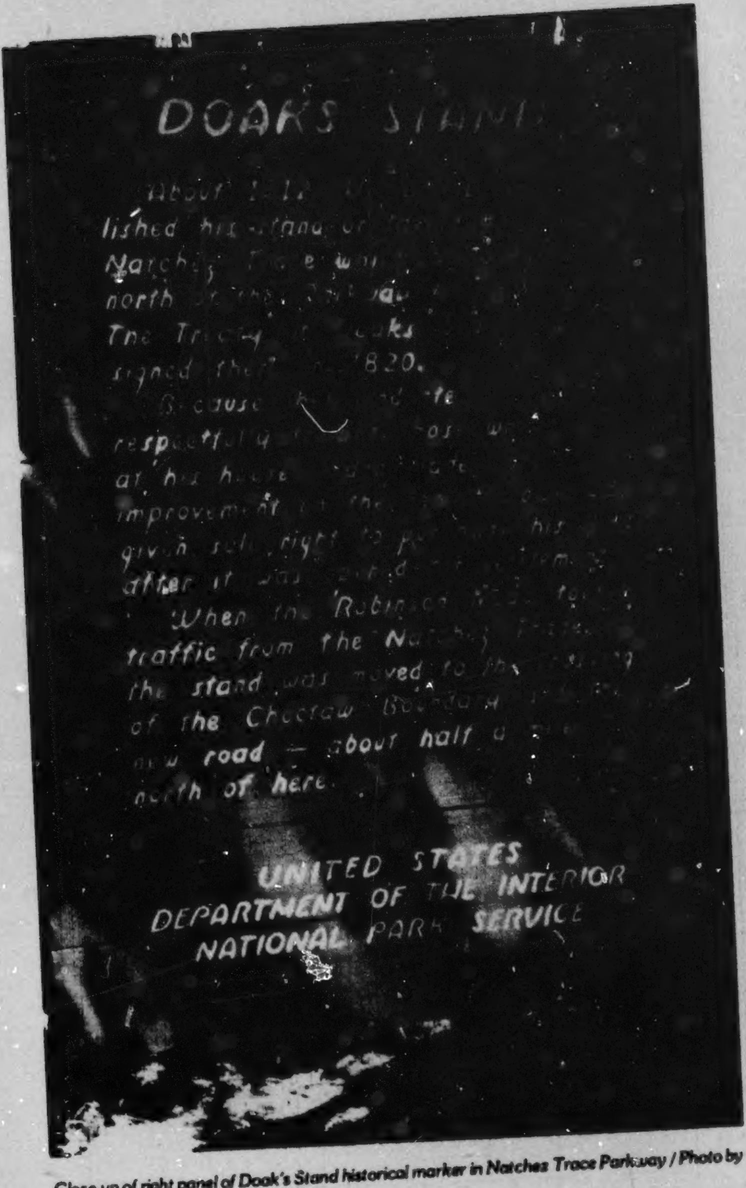
Historical marker located at Natchez Trace Parkway, south of site of Doak's Stand, where the Treaty of Doak's Stand was signed / Photo by Bill Brescia



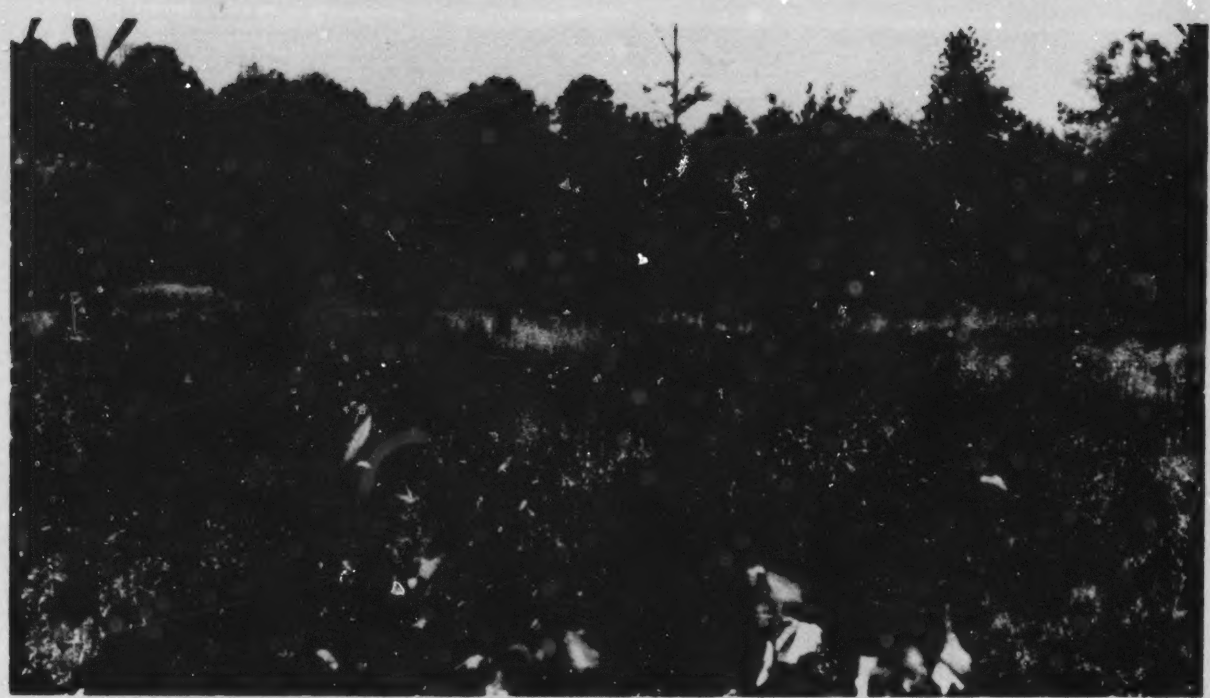
INDIAN TREATY

The line of [illegible]
immediately [illegible]
of the boundary [illegible]
Indians and [illegible]
Andrew Jackson [illegible]
Stand, October 20, [illegible]
Choctaw side of [illegible]
The Choctaws [illegible]
United States the land [illegible]
from "White Oak Spring, on the old Indian
Path . . . northwardly to a black oak, stand-
ing on the Natchez Road about forty poles
eastwardly from Doak's fence, marked A.J.
and blazed . . ."
The area surrendered by the Choctaw
Nation amounted to some five and a half
million acres, about one third of their
land. Ten years later, in 1830, the
Choctaws were forced to give up all
their lands. Other Indians were forced
to do the same by 1834, thus clearing
for white settlement all areas of the
three states crossed by the Natchez Trace.

Close-up of left panel of Doak's Stand historical marker in Natchez Trace Parkway / Photo by Bill Brescia


DOAKS STAND
UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

Close-up of right panel of Doak's Stand historical marker in Natchez Trace Parkway / Photo by Bill Brescia



Surrounding area at the site of the signing of the Treaty of Doak's Stand / Photo by Bill Brescia

May the White Man and the Indian
speak truth to each other today.
—Blackfoot

CHAPTER 7

THE TREATY OF WASHINGTON CITY

Curtis Martin

The early 1800's found the Choctaws presented with a series of events that would change their entire way of life. The last three treaties between the Choctaw Nation and the United States were three such events: The Treaty of Doak's Stand, 1820; the Treaty of Washington City, 1825; and the Treaty of Dancing Rabbit Creek, 1830. Included in this paper are brief summaries of the Treaty of Doak's Stand and the Treaty of Dancing Rabbit Creek; a more extensive summary of the Treaty of Washington City; and the survey results of a sample of the Choctaw people and their general knowledge about the treaties, especially the Treaty of Washington City.

The Treaty of Doak's Stand, a treaty of exchange of territory between the Choctaw Nation and the United States, was signed at Doak's Stand on October 18, 1820, and was ratified January 8, 1821.[1] Doak's Stand, the treaty site, was on the Old Natchez Trace located in what is now the southeast corner of Madison County, Mississippi. This was the seventh treaty between the Choctaw Nation and the United States, and it enabled the United States to acquire 5,169,788 acres of Mississippi land for future non-Indian settlement.[2] It was the view of the Federal Government that this was a fair exchange--the Mississippi land for 13,000,000 acres in Indian Territory and the re-establishment of the Choctaw Nation there, in order

> . . . to promote the civilization of the Choctaw Indians, by the establishment of schools amongst them; and to perpetuate them as a nation, by exchanging, for a small part of their land here, a country beyond the Mississippi River, where all, who live by hunting and will not work, may be collected and settled together.[3]

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[1] Charles J. Kappler, comp., Indian Affairs: Law and Treaties, Vol. 2 (Washington, D.C.: United States Government Printing Office, 1904), p. 191.

[2] Arthur H. DeRosier, Jr., The Removal of the Choctaw Indians (New York: Harper and Row, 1972), p. 29.

[3] Charles J. Kappler, Indian Affairs: Law and Treaties, p. 191. (See Appendix for Treaty of Doak's Stand)

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The Treaty of Dancing Rabbit Creek, a land cession treaty between the Choctaw Nation and the United States, was signed at Dancing Rabbit Creek on September 27, 1830, and was ratified on February 24, 1831.[4] The treaty site was located between the forks of Dancing Rabbit Creek, in what is now Noxubee County in east-central Mississippi. This was the ninth and final treaty between the Choctaw Nation and the United States, and it enabled the United States to acquire 10,423,130 acres of Choctaw homeland.[5]

The land involved in this treaty included a large portion of what is now northeast Mississippi and a small portion of western Alabama.[6] The Choctaws were strongly encouraged to leave their homeland and move to Indian Territory. Thousands chose to do so, many of whom died on their westward journey. The few that chose to stay, understood that they would be under the jurisdiction of the "White Man's" law. The Choctaws living today on the Choctaw Reservation in east-central Mississippi are the descendents of those Choctaws who chose to stay.

The Treaty of Washington City, 1825, was negotiated to adjust the "land exchange" Treaty of Doak's Stand, 1820.[7] This land, the 13,000,000 acres that the Choctaws received, was located in what is today the southern half of Oklahoma and a western portion of Arkansas.[8] Living on this Arkansas portion were between one and two thousand settlers, who did not want to leave this area because they had been moved once or twice before. Because of this, the United States and the Choctaw Nation renegotiated the Treaty of Doak's Stand. The new treaty, the Treaty of Washington City, stipulated that the Choctaws would give up the 5,000,000 acres in Arkansas from the original 13,000,000 acres.[9] Now they had land only in Oklahoma.

The Treaty of Washington City was signed on January 20, 1825. The chiefs and other leaders from the Choctaw Nation, along with John C. Calhoun, Secretary of War, authorized by the President of the United States, were there as witnesses on the day of the signing. Following are summaries of the twelve articles of the Treaty of Washington City.

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[4] Ibid., p. 310.

[5] Arthur H. DeRosier, Jr., *The Removal of the Choctaw Indians*, p. 29.

[6] Charles J. Kappler, *Indian Affairs: Law and Treaties*, p. 310. (See Appendix for Treaty of Dancing Rabbit Creek)

[7] Ibid., p. 211. (See Appendix for Treaty of Washington City)

[8] Arthur H. DeRosier, Jr., *The Removal of the Choctaw Indians*, p. 29.

[9] Charles C. Royce, comp., *Indian Land Cessions in the United States* (Washington, D.C.: United States Government Printing Office, 1900; reprint ed., New York: Arno Press, 1971), plate 13.

Article 1

The Choctaw Nation ceded to the United States all the land ceded to them by the second article of the Treaty of Doak's Stand. The boundary line began in Arkansas one hundred paces east of Fort Smith and ran thence, due south, to the Red River. The Choctaw Nation and the United States agreed that this line would be a permanent boundary between the two nations.

Article 2

The United States agreed to pay the Choctaw Nation the sum of six thousand dollars annually, forever; but for twenty years, the sum would be under the direction of the President to support Choctaw schools. After twenty years, the annuity "may be vested in stocks, or otherwise disposed of, or continued, at the option of the Choctaw Nation."

Article 3

The United States agreed to appropriate lands for the purpose of raising, for the Choctaw Nation, six thousand dollars a year for sixteen years. In order to avoid any delay caused by the survey and sale of land, the United States agreed to pay outright the sum of six thousand dollars for sixteen years.

Article 4

The article allowed the Choctaw families who did not want to leave, to have separate settlements with the white settlers. Those who remained were to pick their portion of land, not exceeding a square mile, where they wanted to reside, anywhere within the limits of the 1820 treaty.

Article 5

The United States agreed to the relinquishment of debts, owed by the Choctaw Nation to a trading house on the Tombigbee River, in exchange for the Choctaw Nation relinquishing their claim for goods, for the Choctaws west of the Mississippi.

Article 6

The United States agreed to pay the sum of fourteen thousand, nine hundred and seventy-two dollars, fifty cents, to the chiefs and warriors for their services in the Pensacola Campaign.

Article 7

The fourth article of the aforesaid treaty was modified, so that the United States could not exercise the power of apportionment of Choctaw lands, nor bring the Choctaw people under the laws of the United States without the consent of the Choctaw Nation.

Article 8

Payment to satisfy Choctaw claims due them by citizens of the United States, in the sum of two thousand dollars, was to be paid to the Choctaw Nation and distributed by the Choctaws among the claimants, as they deemed equitable.

Article 9

Right after the ratification of the treaty, an agent and a blacksmith would be appointed for the Choctaws west of the Mississippi. The appointees would live among them.

Article 10

After Puckshunubbee died, Robert Cole was recommended by the delegation to be his successor as chief. He was to receive a medal and an annuity of one hundred and fifty dollars a year during his natural life.

Article 11

The friendship between the Choctaw Nation and the United States was renewed and perpetuated.

Article 12

Upon ratification of the treaty by the President and the Senate, these articles would take affect on both contracting parties.[10]

The effect that these treaties had on the life style of the Choctaws living in Mississippi at "treaty time", and since then, was significant. The ramifications were both far-reaching and devastating.

While writing this paper, a question arose in the mind of the author as to whether or not the present Mississippi Choctaw knows of these three treaties, and in addition, whether or not has knowledge of any specific facts of the Treaty of Washington City. The decision was made to conduct a survey to determine the answer to this question.

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[10] Institute for the Development of Indian Law, *Treaties and Agreements of the Five Civilized Tribes*, Document (Washington, D.C.: 1975), pp. 111-113.

The anticipated outcome of the survey was that:
Seventy-five percent of those surveyed would know of the Treaty of Dancing Rabbit Creek; fifty percent of those surveyed would know of the Treaty of Doak's Stand; and twenty-five percent of those surveyed would know of the Treaty of Washington City.

The Choctaws participating in the survey totaled sixty (N=60). For this survey, twenty Choctaw Central High School students, twenty Choctaw Tribal employees, and twenty Choctaws-at-large were randomly selected.

The survey, as follows, was conducted during January, 1984, at Choctaw Central High School; in various Choctaw Tribal offices; and around the Choctaw Reservation (in the communities of Tucker and Pearl River).

SURVEY

1. Have you heard of the Treaty of Dancing Rabbit Creek?
   Yes No
2. Have you heard of the Treaty of Doak's Stand?
   Yes No
3. Have you heard of the Treaty of Washington City, or the Treaty of 1825?
   Yes No
4. What was the Treaty of Washington City about?
   Don't know ____________________
5. What is your opinion of the Treaty of Washington City?
   No opinion ____________________
6. Who signed the Treaty of Washington City for the Choctaw Nation?
   Don't know ____________________
7. Who signed the Treaty of Washington City for the United States?
   Don't know ____________________

8. What did the Treaty of Washington City mean to the Choctaw Nation?
Don't know ____________________

9. What did the Treaty of Washington City mean to the United States?
Don't know ____________________

10. Where was the site of the Treaty of Washington City, also known as the Treaty of 1825?
Don't know ____________________

RESPONSES, AS NOTED, OF EACH OF THE THREE GROUPS SURVEYED:

Students (N=20)
Tribal Employees (N=20)
Choctaws-at-Large (N=20)

1. Have you heard of the Treaty of Dancing Rabbit Creek?

Students	Yes 16	No 4
Tribal Employees	Yes 20	No 0
Choctaws-at-Large	Yes 16	No 4

2. Have you heard of the Treaty of Doak's Stand?

Students	Yes 13	No 7
Tribal Employees	Yes 12	No 8
Choctaws-at-Large	Yes 8	No 12

3. Have you heard of the Treaty of Washington City, also known as the Treaty of 1825?

Students	Yes 6	No 14
Tribal Employees	Yes 5	No 15
Choctaws-at-Large	Yes 12	No 8

4. What was the Treaty of Washington City about?

Students	Don't know 18	Answered 2○
Tribal Employees	Don't know 20	Answered 0
Choctaws-at-Large	Don't know 20	Answered 0

○ "About land exchange for reservation land in Oklahoma for the Five Civilized Tribes."
"For one of the Five Civilized Tribes to move to Oklahoma."

5. What is your opinion of the Treaty of Washington City?

Students	No opinion 17	Answered 3○
Tribal Employees	No opinion 20	Answered 0
Choctaws-at-Large	No opinion 20	Answered 0

○ "I didn't like it because we didn't need to go to Oklahoma."
"They should have stayed where they were."
"We should have held out at Dancing Rabbit Creek."

6. Who signed the Treaty of Washington City for the Choctaw Nation?

Students	Don't know 15	Answered 5○
Tribal Employees	Don't know 19	Answered 1△
Choctaws-at-Large	Don't know 18	Answered 2□

○ "Leflore and Apukshunnubbee"
"Pushmataha"
"Pushmataha"
"Pushmataha"
"Leflore"

△ "Pushmataha"

□ "Greenwood Leflore"
"Leflore and Mushulatubbee"

7. Who signed the Treaty of Washington City for the United States?

Students	Don't know 17	Answered 3○
Tribal Employees	Don't know 20	Answered 0
Choctaws-at-Large	Don't know 20	Answered 0

○ "Jackson"
"Jackson"
"Jackson"

8. What did the Treaty of Washington City mean to the Choctaw Nation?

Students	Don't know 18	Answered 2○
Tribal Employees	Don't know 20	Answered 0
Choctaws-at-Large	Don't know 20	Answered 0

○ "More land"
"Lost more land"

9. What did the Treaty of Washington City mean to the United States?

Students	Don't know 18	Answered 2○
Tribal Employees	Don't know 20	Answered 0
Choctaws-at-Large	Don't know 19	Answered 1□

○ "More land for settlers"
"More land for white people"

□ "More land for Choctaw Nation"

10. Where was the site of the Treaty of Washington City, also known as the Treaty of 1825?

Students	Don't know 19	Answered 1○
Tribal Employees	Don't know 20	Answered 0
Choctaws-at-Large	Don't know 18	Answered 2□

○ "Nanih Waiya"

□ "Doak's Stand"
"Northern Mississippi"

TOTAL SURVEYED(N=60):

1. Have you heard of the Treaty of Dancing Rabbit Creek?
   Yes 52 (87%) No 8 (13%)

2. Have you heard of the Treaty of Doak's Stand?
   Yes 33 (55%) No 27 (45%)

3. Have you heard of the Treaty of Washington City, also known as the Treaty of 1825?
   Yes 23 (38%) No 37 (62%)

4. What was the Treaty of Washington City about?
   Don't know 58 (97%) Answered 2 (03%)

5. What is your opinion of the Treaty of Washington City?
   No opinion 57 (95%) Answered 3 (05%)

6. Who signed the Treaty of Washington City for the Choctaw Nation?
   Don't know 52 (87%) Answered 8 (13%)

7. Who signed the Treaty of Washington City for the United States?
   Don't know 57 (95%) Answered 3 (05%)

8. What did the Treaty of Washington City mean to the Choctaw Nation?
   Don't know 58 (97%) Answered 2 (03%)

9. What did the Treaty of Washington City mean to the United States?
   Don't know 57 (95%) Answered 3 (05%)

10. Where was the site of the Treaty of Washington City, also known as the Treaty of 1825?
    Don't know 57 (95%) Answered 3 (05%)

These results indicated that of the total population (N=60) surveyed, eighty-seven percent knew about the Treaty of Dancing Rabbit Creek (anticipated number was seventy-five percent); fifty-five percent knew about the Treaty of Doak's Stand (anticipated number was fifty percent); and thirty-eight percent knew about The Treaty of Washington City (anticipated number was twenty-five percent).

The results of the survey prompted the recommendation that the Choctaw people become more knowledgeable about these three treaties and the impact of each on the Choctaws; the effect that "Removal" had upon Choctaw families; and the drastic changes brought about by the treaties. Additionally, it is recommended that all Choctaw students receive academic instruction covering these treaties, realted events and repercussions; and that a narrative, clarifying treaty history, be made available to the Choctaw population.

The Treaty of Doak's Stand, 1820; the Treaty of Washington City, 1825; the Treaty of Dancing Rabbit Creek, 1830: May each Choctaw resolve to remember, and more importantly, go forward, with renewed determination to insure the success, the perseverance, and the preservation of the Choctaw Tribe.

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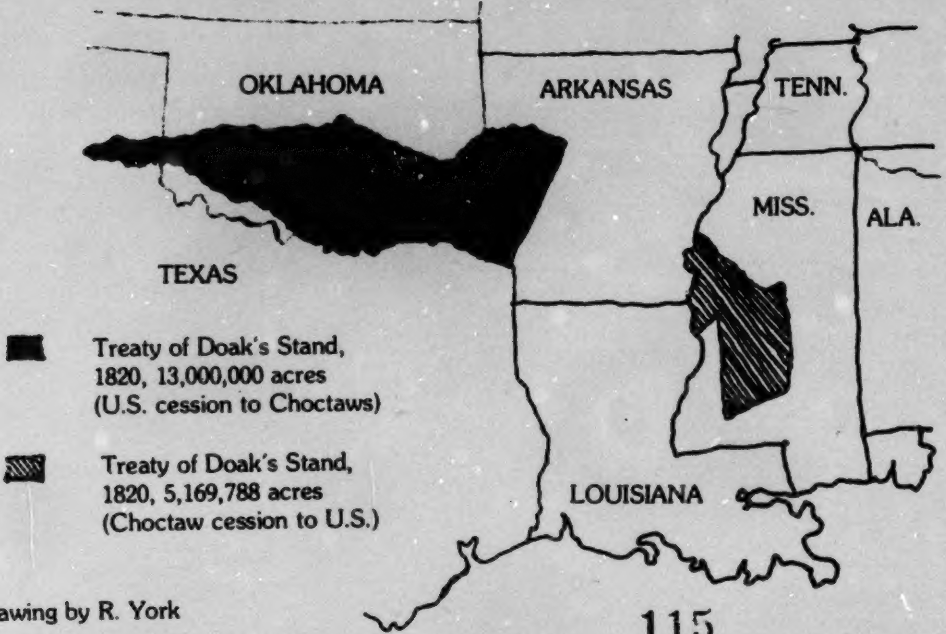
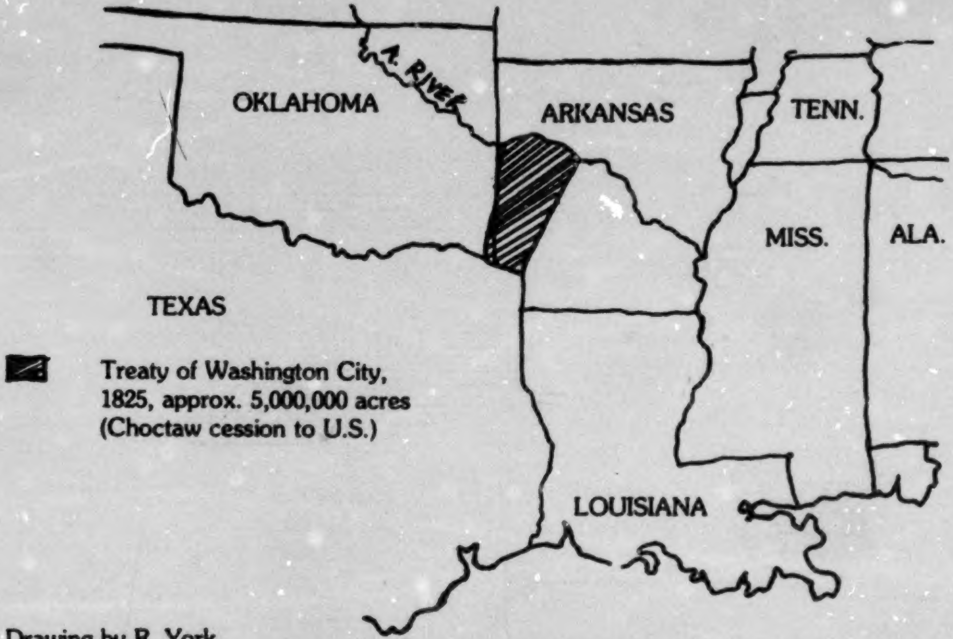
Treaty of Doak's Stand


OKLAHOMA
ARKANSAS
TENN.
MISS.
ALA.
TEXAS
LOUISIANA
■ Treaty of Doak's Stand, 1820, 13,000,000 acres (U.S. cession to Choctaws)
▨ Treaty of Doak's Stand, 1820, 5,169,788 acres (Choctaw cession to U.S.)

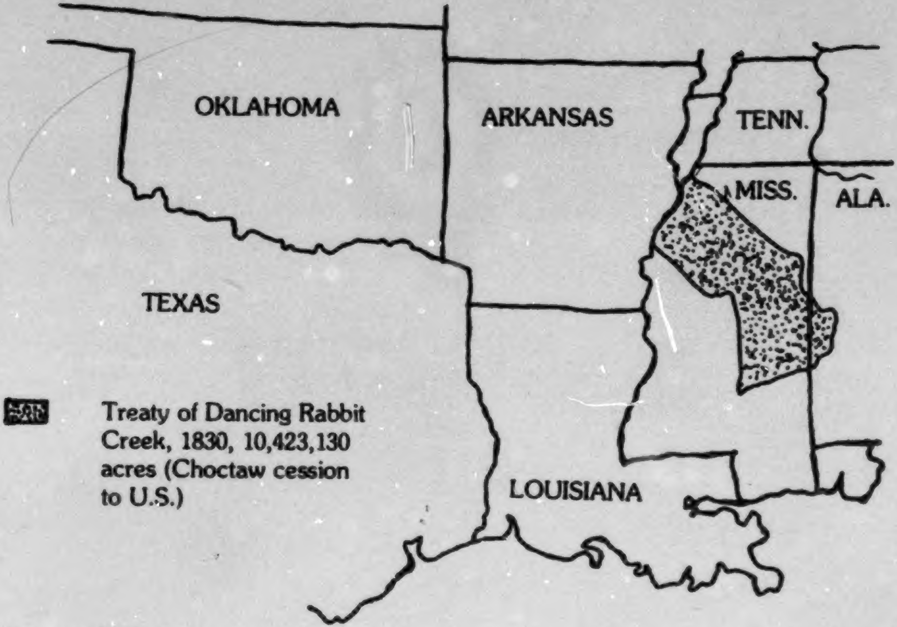
Drawing by R. York

Treaty of Washington City


OKLAHOMA
A. RIVER
ARKANSAS
TENN.
MISS.
ALA.
TEXAS
LOUISIANA
Treaty of Washington City, 1825, approx. 5,000,000 acres (Choctaw cession to U.S.)

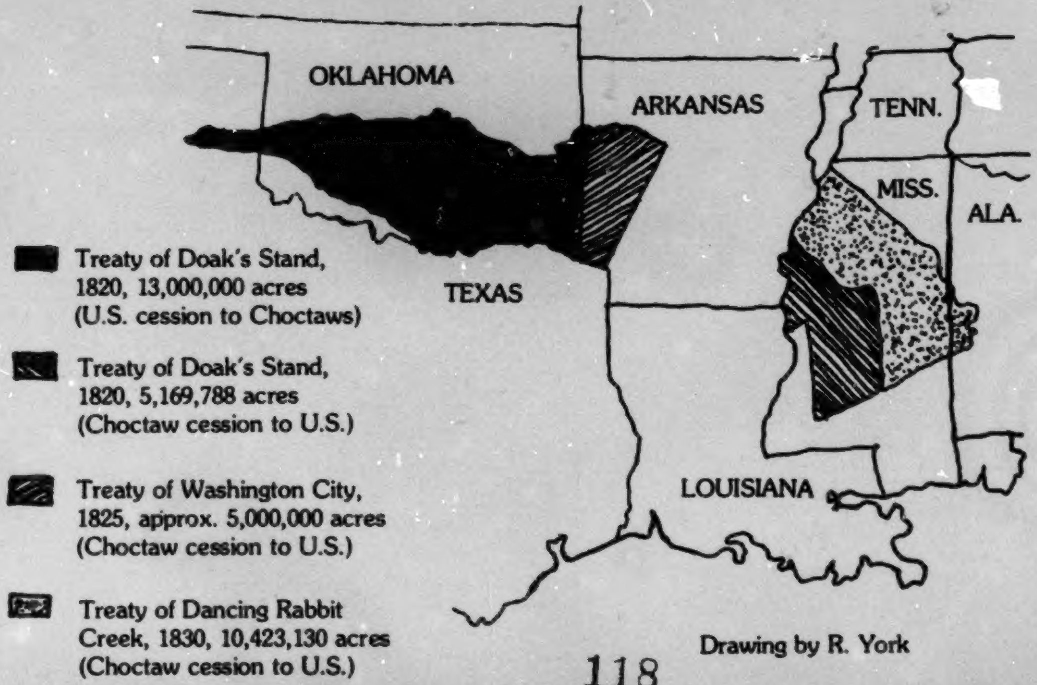
Drawing by R. York

Treaty of Dancing Rabbit Creek


OKLAHOMA
ARKANSAS
TENN.
MISS.
ALA.
TEXAS
LOUISIANA
▨ Treaty of Dancing Rabbit Creek, 1830, 10,423,130 acres (Choctaw cession to U.S.)

Drawing by R. York

Treaties of 1820, 1825, and 1830


OKLAHOMA
ARKANSAS
TENN.
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LOUISIANA
■ Treaty of Doak's Stand, 1820, 13,000,000 acres (U.S. cession to Choctaws)
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▨ Treaty of Washington City, 1825, approx. 5,000,000 acres (Choctaw cession to U.S.)
▒ Treaty of Dancing Rabbit Creek, 1830, 10,423,130 acres (Choctaw cession to U.S.)

Drawing by R. York

You must speak straight so that
your words may go as sunlight
to our hearts.
—Cochise

CHAPTER 8

EVENTS LEADING TO THE TREATY OF DANCING RABBIT CREEK

Brian Mask

Approximately five thousand Choctaws live on or around the Choctaw Reservation, consisting of seven communities scattered throughout five counties in east-central Mississippi. They are the remnant of the original land owners of most of Mississippi and adjoining parts of Alabama, Louisiana, and Arkansas. The Choctaws were the first of the Southern Indians to be disinherited by the Andrew Jackson removal team.

In a series of nine treaties, executed in the first fifty-four years of the Republic, the United States extinguished the Choctaw Nation east of the Mississippi River. Early treaties defined boundaries, granted roadways, and established trading posts. They set the pattern for subsequent treaties that led to the rapid and complete erosion of the Choctaw land base.

In 1820, the Choctaws received thirteen million acres in what is now Arkansas and Oklahoma, in the fairest land exchange the tribe ever received (Treaty of Doak's Stand).[1] A beneficent government had assured them sovereignty as a nation that would sprawl both east and west of the Mississippi. Hand in hand with this "beneficent" government, surely the tribe would prosper! It embraced missionaries and mission schools, constitutional law, and the election process. The tribe formed a partnership in the name of mutual progress.

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[1] Charles J. Kappler, comp., Indian Affairs: Law and Treaties, Vol. 2 (Washington, D.C.: Government Printing Office, 1904), p. 191.

Midway in the decade, 1820-1830, the process soured. Squatters were rife in the Arkansas land. Chiefs Apukshunnubbee and Pushmataha set off for Washington to amend the Doak's Stand Treaty; both died before they could accomplish their task. According to Haywood, settlers clamored for the Mississippi lands. With the election of Andrew Jackson to the Presidency, the settlers had the powerful ally they needed to remove the Choctaws. The idea that Indians only had "users" rights was already in circulation.[2]

Even President Thomas Jefferson had suggested removal of the Indians to the West. With the dawn of 1830, the stage was set. Both State and Federal Governments, more powerful now than the Choctaws, boldly called for removal. The majority of the Choctaws were firmly against the idea.

The Treaty of Dancing Rabbit Creek was the last treaty signed between the Mississippi Choctaws and the United States Government. Dancing Rabbit Creek was where the Choctaws tried to keep the last of their Mississippi homeland, but failed.

Bob Ferguson, an author of many books on the history of the Mississippi Choctaws, stated in an interview that in 1820 at Doak's Stand, Choctaw Nation, the Choctaw Indians traded most of their exceedingly rich delta land, more than five million acres, for land west of the Mississippi River. They retained a little more than ten million acres of their red hills homeland.[3]

Ferguson continued by saying that the rich central Delta was not enough for the United States expansionists, or in the words of Dr. Arrell Gibson, speaking at Tupelo, Mississippi, November, 1982, "the Great American Land Animal". Ferguson also said that settlers exerted pressure on their political representatives to open Choctaw land for White settlement. Within two years, Andrew Jackson, satisfied their wildest desires. He sent Commissioner John Coffee, and Secretary of War, John Eaton, to secure the remaining land east of the Mississippi River.[4]

There was to be no increase in western Choctaw land. It was now a matter of taking the ten million acres. There would be no exchange. Force and threats were the weapons of the negotiators.

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[2] John Haywood, *The Civil and Political History of the State of Tennessee*, (Nashville: 1823), quoted in Arthur H. DeRosier, Jr., "Indian Removal Negotiations: The Doak's Stand Example," *Journal Southeastern Indian Antiquities Survey* (1972): 38.

[3] Interview with Bob Ferguson, Mississippi Band of Choctaw Indians, Pearl River, Mississippi, February 1984.

[4] Ibid.

The Choctaws would no longer have a choice. Removal would be mandatory. At least that was the treaty as presented at Dancing Rabbit Creek. It was not until the final days at the treaty site that provisions were made for the Choctaws who wanted to remain in Mississippi.

By the time Andrew Jackson became a candidate for the Presidential Office in 1828, the subject of Indian Removal was a national issue. Jackson was well known for his strong feelings about removal. He had appeared at the negotiations to procure many of the Indian treaties or cessions. His dominating personality impressed the Indians, and he beguiled many into the conviction that he was their friend.[5]

In Jackson's first annual message to Congress, he urged the Choctaws east of the Mississippi to move to the West; but formally announced that if they did not, they would be subject to the laws of the state. The following January, the Mississippi Legislature declared that "all rights of Indians" within the state were repealed.

September 1830: [6]

During the first two weeks of September, Eaton and Coffee busied themselves with the problem of food and supplies for the Indians. It was estimated that between five and six thousand men, women, and children would attend the negotiations. Eaton decided to use the resources of the United States Army to feed and control so large a gathering in the middle of the forest.

On September 15th to 17th of 1830, more than six thousand Choctaws gathered at the treaty site of Dancing Rabbit Creek. Some came by horse and buggy and others on foot. The trip took some people two to three days, while others traveled for weeks.

Along with the Choctaws came the lowest element of white society: gamblers, saloon keepers, and prostitutes, all solely interested in separating the Indians from their meager possessions.

Saturday, September 18th, 11:00 A.M.:
Both of the officials, Eaton and Coffee, addressed the Choctaw people, with Eaton doing most of the talking. John Pitchlynn, a United States interpreter for the Choctaw Tribe, interpreted the content of Eaton's

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[5] Grant Foreman, *Indian Removal* (Norman, Oklahoma: University of Oklahoma Press, 1932), p. 21.

[6] This summary of events draws on material in G.S. Gaines, "Removal of the Choctaws," *Alabama State Department of Archives and History: Historical and Patriotic Series* 10, (Birmingham: 1928); H.S. Halbert, "Story of the Treaty of Dancing Rabbit," *Mississippi Historical Society* 6, (1902), pp., 373-412; A.W. Dillard, "The Treaty of Dancing Rabbit Creek Between the United States and the Choctaw Indians in 1830," *Alabama Historical Society Transactions*, (1899), pp., 99-106.

and Coffee's comments. The commissioners stated their objective simply: Removal of the Choctaws to the western land, which had become Choctaw land in 1820.

Monday, September 20th:

The Choctaws spent most of the day organizing their ideas and preparing their representatives for treaty discussion.

Tuesday, September 21st:

The Choctaws asked for terms of the treaty and the commissioners said they would meet with them the next day to "offer them terms such as they hoped would be considered liberal. . . ."

Wednesday, September 22nd:

Eaton and Coffee proposed that the Choctaws be moved to Indian Territory, and that the Choctaws would receive: money, farm and household equipment; subsistence for one year; pay for improving Mississippi land; and additional land for the chiefs, captains, and principal men.

Thursday, September 23rd:

The Choctaws rejected the offer. The Choctaws wanted a perpetual agreement that the United States would never take the western land, even though the Choctaws did not like the "Indian Territory" land. However, Eaton and Coffee stood firm, and Choctaw resistance crumbled.

Friday, September 24th:

The Choctaws kept to themselves, but Greenwood Leflore probably met with the commissioners.

Saturday, September 25th:

The Choctaws made their offer, which asked that those who wished to remain in Mississippi would have the opportunity to become U.S. citizens. The U.S. Commissioners objected to some of the stipulations and made a counter offer.

Sunday, September 26th:

Sunday negotiations took place between the chiefs and various captains and officials. Names were added to the proposed terms to ensure that land allotments went to the appropriate persons.

Monday, September 27th:

The council meeting reconvened. Secretary of War, Eaton, spoke to the group and painted a dark picture. He told them that if they did not sign the treaty, the President of the United States would laugh at their calamities. Continuing to use coercion, Eaton told the Choctaws that there would be no United States protection at all unless they agreed to the terms of the treaty. One hour later, at 1:00 P.M., the Choctaws signed the Treaty of Dancing Rabbit Creek, giving away their final 10,423,130 acres in Mississippi in exchange for nothing but "protection".[7]

The following day, Tuesday, September 28, 1830, supplementary articles were signed and the commissioners left the treaty site at 4:00 P.M. President Andrew Jackson signed the treaty on February 4, 1831. It was ratified twenty days later by the Senate.

David Folsom, in a letter to a Presbyterian minister, expressed the feelings of the Choctaws:

> We are exceedingly tired. We have heard of the ratification of the Choctaw Treaty. Our doom is sealed. There is no other course for us but to turn our faces to our new homes toward the setting sun.[8]

Today, the treaty site is marked with a monument. It is remote and hard to find. For several years it stood alone in a small roadside clearing. When the self-styled, old "chief", Cameron Wesley, died at the age of 108, he was buried near the marker. Today, Dancing Rabbit Creek Treaty ground, where a nation died, is fittingly, a graveyard.

Author's Note:

On January 26, 1984, my classmates, my teachers, and I visited the treaty site of Dancing Rabbit Creek. The site is located at the side of a country road in Noxubee County, Mississippi, near the fork of Dancing Rabbit Creek. Walking through the treaty grounds, I could almost feel the presence of some of those who were there over 153 years ago. Looking around, I could almost see the Choctaw warriors and Whites in council. Looking across the area where they camped, I could imagine the women cooking and the children playing. For a moment, I felt as though I was part of the signing; and then, I was almost overcome by a mixture of eerie, yet sad and empty feelings. I'll remember that day for a long time.

Brian Mask
February 14, 1984

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[7] This reconstruction of events follows Bob Ferguson, Speech at Dancing Rabbit Creek Sesquicentennial, 27 September 1980.

[8] Czarina C. Conlan, *Chronicles of Oklahoma* 4, No. 4 (1926), quoted in Arthur H. DeRosier, Jr., *The Removal of the Choctaw Indians* (1970): 128.

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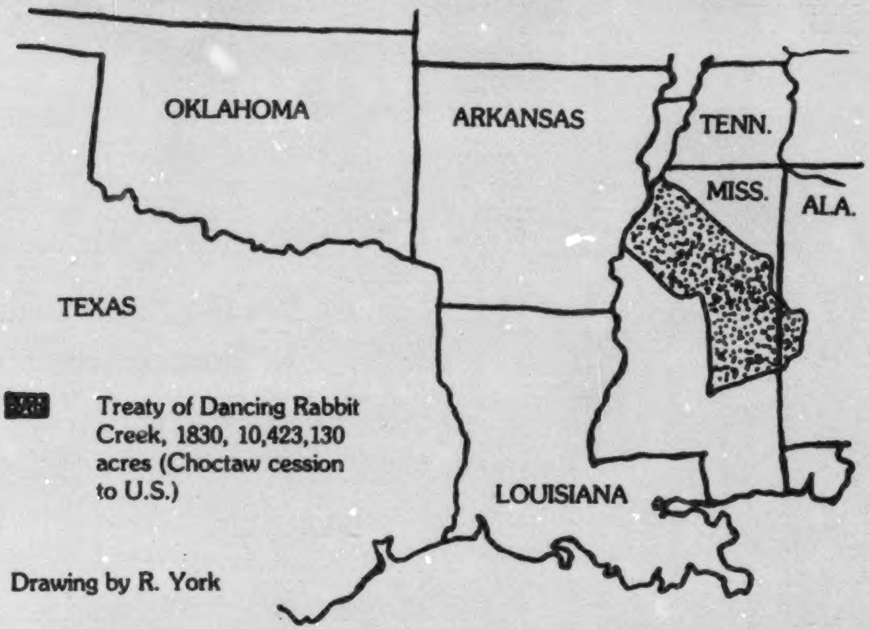
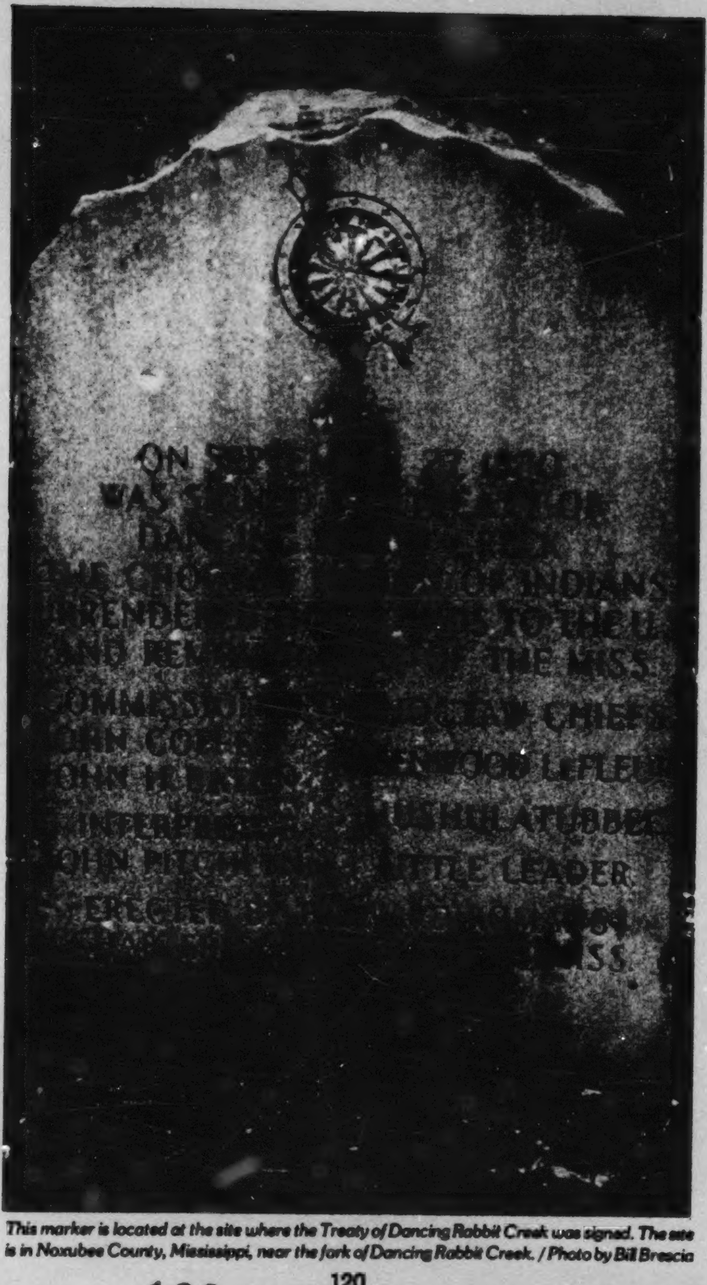
Treaty of Dancing Rabbit Creek

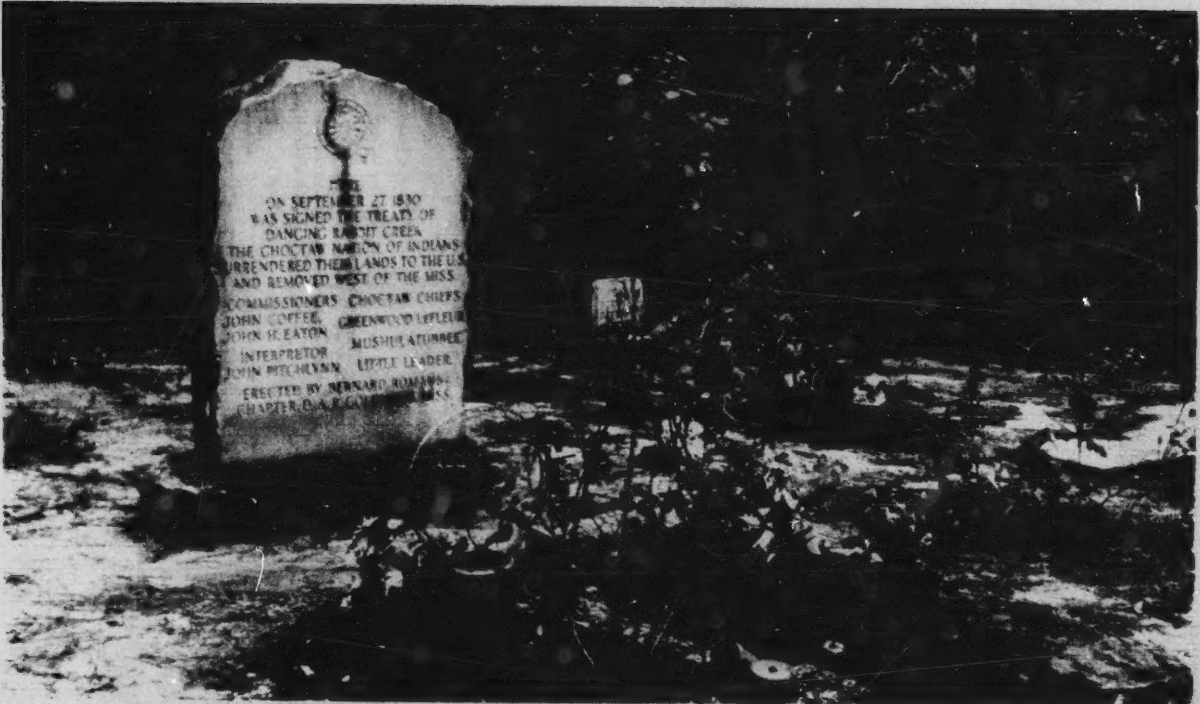

OKLAHOMA
ARKANSAS
TENN.
MISS.
ALA.
TEXAS
LOUISIANA

▨ Treaty of Dancing Rabbit Creek, 1830, 10,423,130 acres (Choctaw cession to U.S.)

Drawing by R. York


ON SEPT 27 1830
WAS SIGNED
THE CHOC OF INDIANS
RENDE S TO THE U
AND RE THE MISS
COMMISSIO CHIEFS
JOHN CO
JOHN H. EATON WOOD LEFLEU
INTERPRE USHULATUBBEE
JOHN PITCH LITTLE LEADER
ERECTED
MISS.

This marker is located at the site where the Treaty of Dancing Rabbit Creek was signed. The site is in Noxubee County, Mississippi, near the fork of Dancing Rabbit Creek. / Photo by Bill Brescia


ON SEPTEMBER 27 1830
WAS SIGNED THE TREATY OF
DANCING RABBIT CREEK
THE CHOCTAW NATION OF INDIANS
SURRENDERED THEIR LANDS TO THE U.S.
AND REMOVED WEST OF THE MISS.
COMMISSIONERS
JOHN COFFEE
JOHN H. EATON
INTERPRETOR
JOHN PITCHLYNN
CHOCTAW CHIEFS
GREENWOOD LEFLEUR
MUSHULATUBBEE
LITTLE LEADER
ERECTED BY BERNARD ROMANS
CHAPTER D.A.R. COLUMBUS MISS.

The marker at Dancing Rabbit Creek Treaty ground, now surrounded by graves. (Photo by Bill

Area surrounding the graveyard site at Dancing Rabbit Creek Treaty ground / Photo by Bill Brescia

CHAPTER 9

INTRODUCTION TO THE CHOCTAW TRIBAL CODE

Angela Hickman

In the early days, the Choctaw people found it difficult to develop rules of conduct. Rules were necessary for peace and harmony, for reduction of fighting and killing, and for organization of the government.

> Prior to and during the Eighteenth Century, the Choctaws were town dwellers. Each town was controlled by a council of clan elders. The towns were joined together into a nation with a general council and three principal chiefs, each representing a geographic division of the nation. . . .
>
> Each district chief or mingo was elected by the men within their own district, . . . and the district chief's position depended upon inheritance and ability. In time of matters of great importance, [such] as warfare, the three district chiefs ruled as one unit. . . .
>
> Important decisions were settled in district councils, which were called by the district chief. . . . Although the occasion was serious, a council was also the time of feasting, games, and dances. And, though it is probable that only the chiefs took an active part in the oratory and that they influenced those in attendance, the final decision was arrived at through majority expression.[1]

The Choctaws abided by a harsh law regarding homicide, which was considered a capital offense.

> [The Choctaw] . . . criminal code was very simple--blood for blood. . . .
>
> When a Choctaw committed homicide, he was never put under arrest. He knew the debt had to be paid, and how it was to be paid, and there is no instance in which he failed to appear on the day and at the place appointed. Re-adjustments, reductions and compromises were not tolerated. It sometimes happened that if the party was a young man, with a family, his aged father, or uncle, or some one of his blood would offer to die in his place, and this was always accepted in satisfaction. The party about to die spent the preceding night in chanting his death song, and continued to sing until he reached the appointed spot. He then calmly

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[1] Jesse O. McKee, and Jon A. Schenkler, The Choctaws (Jackson, Mississippi: University Press of Mississippi, 1980), pp. 16-17.

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> knelt, and was shot or tomahawked by one of his kindred, and thus the feud was extinguished.[2]

Before a legal code existed in written form, ". . . the few laws the early Choctaws had were the result of majority opinion and were derived through custom rather than through legislative action."[3]

During modern times, the Choctaws, like other American Indian tribes, found themselves adjusting to ever-changing federal policy. (See Appendix for "A Historical Overview of European and Federal Policy Toward North American Indian Tribes") Through the Indian Reorganization Act of 1934, also known as the Wheeler-Howard Act, "Indian tribes were encouraged to adopt their own constitutions . . . and to manage their own government and business affairs."[4] Canby expands on the relationship between the Federal Government and Indian tribes in regard to self government:

> The term "Indian Law" is a catchall with various meanings, but it refers primarily to that body of law dealing with the status of Indian tribes and their special relationship with the Federal Government. . . . In this application, "Indian Law" might be better termed "Federal Law About Indians".[5]

Indian Law is strongly linked with federal Indian policy; and in the past the law has been affected, as popular and governmental attitudes changed toward Indians. According to Canby, there are four persistent themes that sum up the doctrinal basis of present law:

> First, the tribes are independent entities with inherent powers of self-government.
>
> Second, the independence of the tribes is subject to the exceptionally great powers of Congress to regulate and modify the status of the tribes.
>
> Third, the power to deal with and regulate the tribes is wholly federal; the states are excluded unless Congress delegates power to them.
>
> Fourth, the Federal Government has a responsibility for the protection of the tribes and their properties, including protection from encroachment by the states and citizens.[6]

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[2] J.F.H. Claiborne, Mississippi as a Province, Territory and State (Spartanburg, South Carolina: The Reprint Company, 1978), p. 488.

[3] Jesse O. McKee, and Jon A. Schenkler, The Choctaws, p. 17.

[4] Steven L. Pevar, The Rights of Indians and Tribes (New York: Bantam Books, Inc., 1983), pp. 5-6.

[5] William C. Canby, Jr., American Indian Law in a Nutshell (St. Paul, Minnesota: West Publishing Co., 1981), p. 1.

[6] Ibid., p. 2.

Each tribe, although under "Indian Law" from the federal standpoint, has the right to establish a tribal code that is unique to the needs of tribal members; that is the basis for law and order; and that allows the tribe to run its own affairs. Today, the Choctaws residing on the Choctaw Reservation in east-central Mississippi have a form of government created and designed by themselves. In the early 1940's, a seventeen-member Choctaw Business Committee was formed; and by 1945, the first Choctaw Constitution had been written.[7] When this constitution was approved by the Choctaws, a Tribal Council was formed, which consisted of sixteen members elected from the seven communities: Pearl River, Bogue Chitto, Conehatta, Tucker, Red Water, Standing Pine, and Bogue Homa.[8]

In 1975, the Constitution and Bylaws was revised, changing the office of the Chairman of the Tribal Council to that of Tribal Chief. The Chief is elected to a four-year term; the Council members serve four years, but half of the council is up for re-election every two years. Seven committees were established for "greater expertise in legislative decision-making," and each council member is an appointee to one of these committees. The Council elects a committee chairman to head each committee.[9]

The existing form of government is mainly responsible for the growth and success of the Mississippi Choctaws and for the continuation and the preservation of their traditional heritage. Positions, crucial to the function of the Choctaw tribal government, are filled by a carefully selected staff. In order to more fully understand the duties of certain tribal employees, the author selected four members of the Choctaw Tribal Government staff, and conducted interviews specifically designed around each individual position. Following are interviews with these tribal employees, who discussed their role in the governmental structure:

Ed Smith, Choctaw Tribal Attorney, was interviewed in his office, in November, 1983. His responses follow:

1. What kind of power does your office have?

   "The duties and power come through the Tribal Chief's office. I take care of most correspondence. The chief reads, approves, and signs this correspondence. Virtually, I have no power."

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[7] Benjamin Strout, "A New Era," in Choctaw Tribal Government, A New Era, ed. William Brescia (Philadelphia, Mississippi: Choctaw Heritage Press, 1982), pp. 22; 38.

[8] Mississippi Band of Choctaw Indians, Revised Constitution and Bylaws of the Mississippi Band of Choctaw Indians (1974), approved by United States Commissioner of Indian Affairs (1975), p. 2.

[9] Benjamin Strout, "A New Era," in Choctaw Tribal Government, A New Era, pp. 29, 38, 41.

2. What are some of your daily duties?

   "No set duties. One duty is to review business responsibilites of the Tribal Government. Also, to serve as translator of legal terms. For example: The tribe employs over four hundred people, and provides medical insurance coverage; so, I review policies of companies that want to sell their policies to the tribe. I look over things done and make certain they are legal, both with business between the tribe and the outside world, and within the tribe."

3. What kind of relationship do you have with the Tribal Council? Are you a member?

   "No, I am not a member. The Tribal Council created this job, and I occasionally meet with the Council and consult with the members."

4. What are some of your official goals?

   "The major goal is to keep the tribe out of court whenever possible; and when it is not possible, to make certain the tribe wins."

5. How does your job compare with that of the Tribal Council?

   "I have not practiced much in the Tribal Court. I have gone in once, every two years or so, in the past eight years."

6. What advice would you give to the young Choctaw people today in terms of what to do with their lives?

   "The most important thing to do is to develop strong ideas of what is right and wrong and to live by them. These ideas, in order to be strong, must make sense."

7. Over what areas does the Choctaw Judicial System have jurisdiction?

   "Tribal Court jurisdiction covers all reservation lands, or government lands on which schools are located, and covers tribal members on criminal matters. In other words, it concerns itself in two areas--lands and people. This includes Indians and non-Indians, on civil matters, on reservation land. Matters, both criminal and civil, are handled in court. For example, if someone steals a car, it is a criminal matter; if they wreck a car, it is a civil matter."

8. What is the difference between civil and criminal law in the Choctaw Judicial System?

   "There is one Choctaw Tribal Code--part is civil and part is criminal."

9. What are the qualifications to be a judge?

   (From: Chapter 3, page 8, Choctaw Tribal Code, adopted by the Choctaw Tribal Council, 1981).
   "No person shall be eligible to be a Chief Judge or an Associate Judge unless he or she:

   (a) Is at least thirty (30) years of age;
   (b) Has successfully completed at least two (2) years of accredited college level coursework;
   (c) Has never been convicted of a felony;
   (d) Is of good moral character and integrity;
   (e) Can read, write and understand the English language and can speak and understand the Choctaw language;
   (f) Is familiar with the provision of this Code, Choctaw Court prodecures, Federal law applicable to the Reservation and Choctaw customs, and is capable of preparing the papers and reports incidental to the office of a judge; and
   (g) Is a member of the Tribe and one-half or more degree Choctaw blood."

10. A judge in the Choctaw Judicial System serves for how long?

    "Four years."

11. How many years of law school did you attend?

    "Three years."

12. Do you have a degree from law school?

    "Yes, from the University of Mississippi School of Law."

13. What is a legal code?

    "A legal code is a set of laws passed by the Tribal Council to govern the actions of people under the jurisdiction of the Tribal Court. The Choctaw Legal Code has been developed from a combination of other tribal codes. A large part is modeled after the Zuni Tribal Code. A couple of parts are from "Model Codes"; for example, the National Association of Tribal Government was the basis for the Choctaw Legal Code section on extradition. Our code is adapted to the needs of the Choctaw Reservation. It is unique to the State's courts. Two procedures can be followed--one to accommodate the traditional way and one to accommodate the more formal way."

14. Please tell me how the government has changed into a federal system?

    "Jurisdiction first began in 1918 when the Bureau of Indian Affairs set up an agency and began building houses on land purchased by the Federal Government. As more land was purchased, federal involvement got larger.

    In 1968, in a case in the Mississippi State Court in Philadelphia, a judge recognized federal jurisdiction over reservation lands for the first time. The judge in this case had meetings, and let the Choctaw Agency, Neshoba County Sheriff, and Mississippi State Highway Patrol know what he was going to rule, so that the BIA could make certain there would be law enforcement on the reservation.

    In 1971, the United States Federal Courts ruled that there was no reservation under federal jurisdiction. They said the Choctaw Tribe, as a legal government, was moved to Oklahoma, and those tribal members that stayed after the Treaty of Dancing Rabbit Creek, 1830, became citizens of the State of Mississippi. Thus, they were subject to state jurisdiction.

    In 1978, the United States Supreme Court ruled that the Choctaw Tribe did exist, and that it was reorganized in 1945 as the Mississippi Band of Choctaw Indians. Furthermore, they said that the Choctaw Reservation was not subject to state laws.

    From 1971 to 1978, there were a lot of questions as to whether Choctaw Law and Order should be here. For about five months prior to a final ruling, Law and Order took arrested people to the Neshoba County Court."

15. How did you get interested in law?

"While I was in the service and college, and involved with veteran groups, I was told I should become a lawyer--so I decided to do it."[10]

* * *

Roger Anderson, the Chairman of Judicial Affairs and Law Enforcement Committee, was interviewed in his office in November, 1983. His responses follow:

1. How did you get interested in Judicial Law Enforcement?

   "The committee came about by appointment by the Tribal Council. I am the chair of the committee that finds, studies, and recommends new laws that may become a part of the Choctaw Legal Code. Serving on the committee are four members that are appointed by the Tribal Council every two years. My job began this July, and I accepted the appointment because I wanted to learn more about judicial law in the tribal government."

2. How many years of law school did you attend?

   "I did not attend law school. I completed the GED to receive my diploma."

3. How is the Choctaw Legal Code related to the federal court system?

   "The Choctaw Legal Code is the set of laws that the Choctaw Court of Indian Offenses applies on the reservation. The federal court system applies federal laws that relate to reservation activities."

4. What would your advice be to the Choctaw youth who are interested in the Choctaw Legal Code System or law?

   "I recommend that students study law and become lawyers, because the needs are certainly here."

5. Are you willing to help the youth who are interested in law?

   "Yes, and whatever the needs of the youth, I think the Tribal Council should support them."

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[10] Interview with Ed Smith, Choctaw Tribal Attorney, Mississippi Band of Choctaw Indians, Pearl River, Mississippi, November 1983.

6. What kind of training have you had in Judicial Law Enforcement?

   "No formal training is required for this job. Our job is policy making. We make a study to decide whether there should be a change in the present Tribal Code, and present a recommendation to the Tribal Council."

7. What are some of your official goals?

   "As for our objectives--sometimes we follow state law. Some of our short-term objectives are to establish a public health and sanitation code; to establish standards for foster homes; to establish a youth, first-offenders program; and to initiate a drug-offense ordinance. Some of our long range goals are to contract Choctaw Law and Order and to contract the Choctaw Court System. Presently, both Law and Order and the Court System are operated by the BIA, or under their guidance."

8. What kind of power does your office have?

   "No power in this office, just recommendations. The power comes from the sixteen members of the Tribal Council. Recommendations, from this office, are written, and presented to the Tribal Council at scheduled Council meetings."[11]

* * *

Preston Isaac, Supervisory Criminal Investigator, was interviewed in January, 1984. His responses follow:

1. What is your job title?

   "Supervisory Criminal Investigator. Sometimes I am called 'Agency Special Officer'."

2. What are some of your office goals?

   "To serve the Choctaw people. To prevent crimes and protect lives and property."

3. What are the qualifications for your job?

   "To complete high school, investigators school, to take management courses, and to be physically fit. You can start as a patrolman and advance to Captain's position. From there to investigators school, and then, when there is an opening, you can apply and hope to get the job. There is Indian preference for these positions; but if there is not an Indian that is qualified, then a non-Indian could get the job. You need to be twenty-one to thirty-five to apply; for BIA however, a veteran can be twenty. You can stay until retirement age or you can retire after twenty years of service if you are fifty-five."

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[11] Interview with Roger Anderson, Chairman of Judicial Affairs and Law Enforcement, Mississippi Band of Choctaw Indians, Pearl River, Mississippi, November 1983.

4. Is this a full-time job?

"Yes, a full-time job."

5. What are some of your duties?

"We investigate major offenses such as manslaughter, rape, robbery, embezzlement, larceny, incest, murder, arson, burglary, kidnapping, and carnal knowledge of females under sixteen. We mainly investigate murder, manslaughter, rape, and assault with intent to do bodily harm. We investigate about six felony cases a year. We investigate deaths to see if they may be murder, manslaughter, or by natural causes. Also, we investigate trespassing on tribal lands by non-Indians who may be cutting timber or selling liquor. They cannot be charged in Tribal Court, but they can be tried in Federal Court. If it is a misdemeanor, they are turned over to local authorities.

I am in charge of the department, and supervise one captain, one court clerk, one police officer, and my secretary. I oversee the operation of the department. Any changes made are with the approval of the Chief of Law Enforcement of the Bureau of Indian Affairs in Washington, D.C., or the Superintendent of the Agency. It is possible to get transferred to a higher position in the Indian law enforcement field. As long as I don't mess up or become disabled, I can stay here until I retire if changes are not made."

6. In what capacity is your job affected by the Legal Code System?

"We follow, apply, and enforce the Title 18 USCA for felonies, and the Choctaw Tribal Code for misdemeanors."

7. Does your job bring you into contact with the Tribal Council?

   "Sometimes, but they have a Tribal Judicial Affairs Officer; and when we want something, we present our request to him. He makes a resolution, and then sends it to the Council for approval, or disapproval, so I have no direct contact."

8. How did you become interested in this job?

   "I retired from the service, and I wanted a job. I thought the best opportunity was in law enforcement, so I applied for a part time job--weekends only. There were two officers and three part-time officers. Soon, after I began working there, one of the full-time officers broke his leg, and the other two part-time men could not work full time, so I began full time. About two months later, I went to the Police Academy and completed training. I was hired as a full-time, regular law enforcement officer. While in the Army, I was an M.P. for six months in Germany."

9. Did you attend law school?

   "No, not law school. My training consists of completing courses at:

   Police Academy in Roswell, New Mexico
   Investigators Training School in Glencoe, Georgia
   Management School in Brigham City, Utah
   Fire Arms Instructor in Brigham City, Utah
   Juvenile School in Brigham City, Utah
   Scientific Crime Detection in Chicago, Illinois
   Riot Control in Brownsville, Texas
   (Sponsored by the marshal's office)
   Fire Investigators School in Tuscaloosa, Alabama
   Supervision of Police Personnel, Brigham City, Utah

   I am planning on taking an FBI course in Quantico, Virginia, if I am selected. I was a member of the Special Services Operation Team, which is similar to a SWAT team."

10. Do you have a degree?

    "A two-year AA degree in Police Science."

11. Is there anything that you would like to add?

"We perform other duties, such as, escorting funeral processions; transporting sick or injured personnel when other transportation is not available; and investigating all civil, criminal, and traffic complaints. We are deputized with the Neshoba County Sheriff's Department, and we can make arrests off the reservation of both Indians and non-Indians. We have a class of Boy Scouts of America who we train in law enforcement. These Law Enforcement Explorers are students at Choctaw Central High School, and attend one of our classes per week."[12]

* * *

Esterline Tubby, Choctaw Judge, was interviewed in her office in January, 1984. Her responses follow:

1. How did you become a judge?

"I never intended to become a judge. I had a phone call from a representative of the Tribe, and I was told that I had been chosen as one of the associate judges. I said 'O.K.,' and was sworn in."

2. What are the qualifications for your job?

"As long as you know you can help your people, have faith in yourself, and know you would like to work in court, then you are qualified. When you fill out an application, you are recognized by the Tribal Council members."

3. What hours do you work?

"From the beginning, I didn't have any certain hours to work. I stayed home, and the Court assigned me to sign bond papers for people from 7:00 to 10:00 at night. I am paid by the hour."

4. Is this a full-time job?

"At first, it was not a full-time job."

5. What are some of your office duties?

"I receive a lot of phone calls from people wanting to know the date that they should appear in court, and from people wanting to change their court date."

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[12] Interview with Preston Isaac, Supervisory Criminal Investigator, Mississippi Band of Choctaw Indians, Pearl River, Mississippi, January 1984.

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6. Would you please tell me some of the things you do in court?

   "During the mornings, I handle civil matters. On Monday, Wednesday, and Friday, I preside in court over matters such as divorce, child advocacy hearings, marriages, and broken families. As for the broken families, I try to bring them back together. During the afternoons, I handle criminal matters. Sometimes we have a juvenile case where the child will not listen to the parents, or will try to run away. If a case comes before me that involves one of my relatives, I hand it to Judge Jackson Isaac. In April, we're hoping to have a Youth Judge. We have succeeded in a lot of areas."

7. Were you nervous at first when appearing in court as a Judge?

   "At first, when I thought about it, I didn't know what I was going to do. I was afraid that I couldn't face the people. I started having bad headaches, and then, something snapped in my head and my headaches disappeared, and I quit worrying."

8. How do you feel about education?

   "I think education is really important in life. You can be whatever you want if you have an education."

9. In what capacity is your job affected by the Legal Code System?

   "I love all things about my people and love to work with them. If there is anyway I can help or uplift them I do. Under the Legal Code, I think people are treated fairly. We need to expand the code to be able to help our people more."

10. Does your job bring you in contact with the Tribal Council?

   "Yes."

11. What school did you attend?

   "A Workshop in Phoenix, Arizona; Judicial and Law Department Training; and training under the National American Indian Association."

12. How many years do you hold your position as judge?

"Four years."

13. Are you able to help the Choctaw youth who are interested in law?

"Yes, and I love to."

14. Are you able to give advice to the Choctaw youth who are interested in law?

"Yes, I would love to see some of our Choctaw young people become lawyers."[13]

Listed below are the "Rights of Indians" as listed in Article X of the Revised Constitution and Bylaws of the Mississippi Band of Choctaw Indians.

Sec. 1. The Mississippi Band of Choctaw Indians, in exercising powers of self-government, shall not:

(a) Make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition for a redress of grievances;

(b) Violate the right of the people to be secure in their persons, houses, papers, and effects against unreasonable search and seizures, nor issue warrants, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized;

(c) Subject any person for the same offense to be twice put in jeopardy;

(d) Compel any person in any criminal case to be a witness against himself;

(e) Take any private property for a public use without just compensation;

(f) Deny any person in a criminal proceeding the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and at his own expense to have the assistance of counsel for his defense;

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[13] Interview with Esterline Tubby, Choctaw Judge, Mississippi Band of Choctaw Indians, Pearl River, Mississippi, January 1984.

(g) Require excessive bail, impose excessive fines, inflict cruel and unusual punishments, and in no event impose for conviction of any one offense any penalty or punishment greater than imprisonment for a term of six months or a fine of $500, or both;

(h) Deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law;

(i) Pass any bill of attainder or ex post facto law; or

(j) Deny to any person accused of an offense punishable by imprisonment the right, upon request, to a trial by jury of not less than six persons.

Sec. 2. The privilege of the writ of habeas corpus shall be available to any person, in a court of the United States, to test the legality of his detention by order of an Indian tribe.

The survival and continued growth of the great Choctaw Nation, a nation within a nation, is an accomplishment to behold and appreciate. With confidence and faith, the Mississippi Choctaws, under the guidance of their Tribal Chief, Phillip Martin, and the Tribal Council, continue to grow and succeed.

> Teach us the road to travel and we
> will not depart from it forever.
> —Satank

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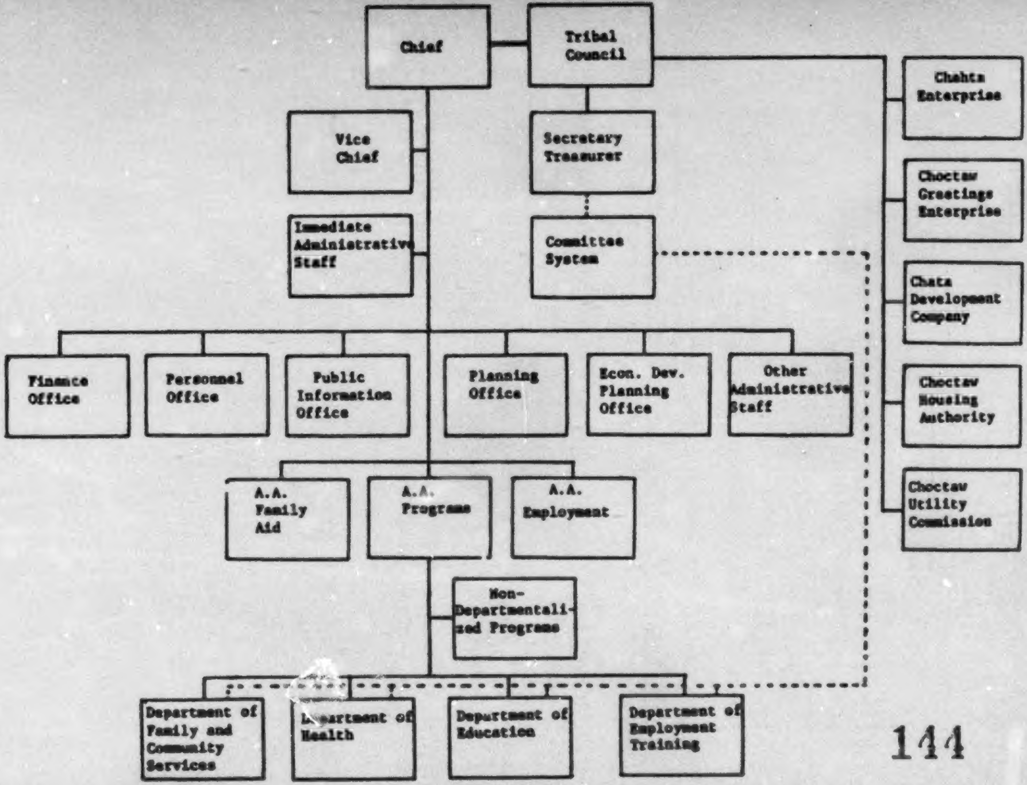
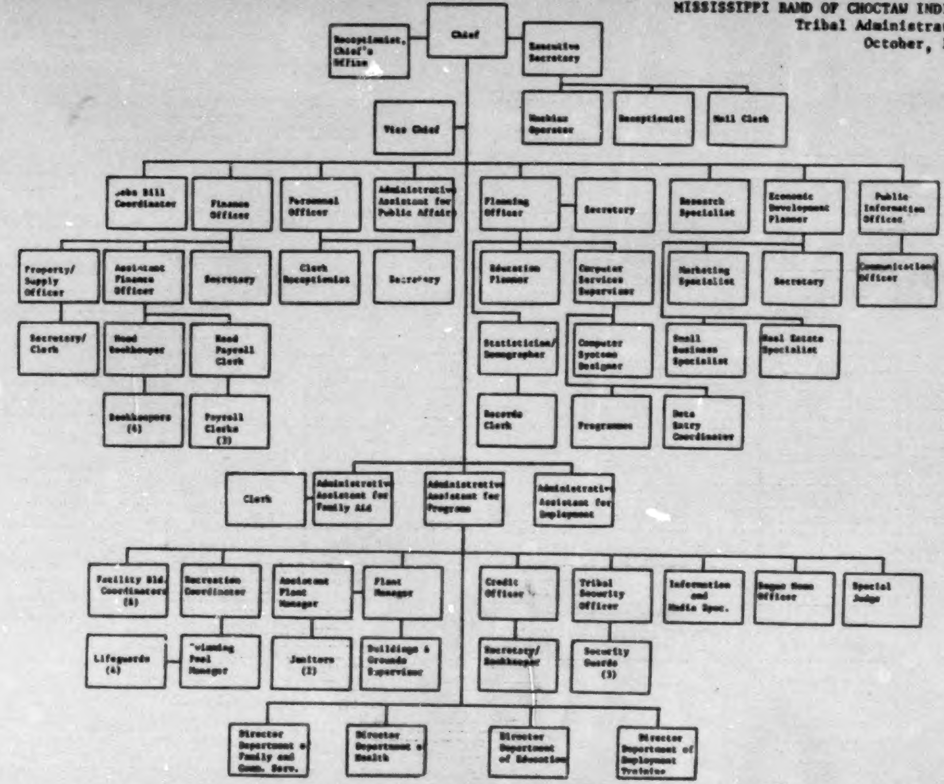
MISSISSIPPI BAND OF CHOCTAW INDIANS
OVERALL ORGANIZATIONAL STRUCTURE


Chief
Tribal Council
Vice Chief
Secretary Treasurer
Immediate Administrative Staff
Committee System
Chahta Enterprise
Choctaw Greetings Enterprise
Chata Development Company
Choctaw Housing Authority
Choctaw Utility Commission
Finance Office
Personnel Office
Public Information Office
Planning Office
Econ. Dev. Planning Office
Other Administrative Staff
A.A. Family Aid
A.A. Programs
A.A. Employment
Non-Departmentalized Programs
Department of Family and Community Services
Department of Health
Department of Education
Department of Employment Training

MISSISSIPPI BAND OF CHOCTAW INDIANS
Tribal Administration
October, 1983


Receptionist, Chief's Office
Chief
Executive Secretary
Vice Chief
Machine Operator
Receptionist
Mail Clerk
Jobs Bill Coordinator
Finance Officer
Personnel Officer
Administrative Assistant for Public Affairs
Planning Officer
Secretary
Research Specialist
Economic Development Planner
Public Information Officer
Property/ Supply Officer
Assistant Finance Officer
Secretary
Clerk Receptionist
Secretary
Education Planner
Computer Services Supervisor
Marketing Specialist
Secretary
Communications Officer
Secretary/ Clerk
Head Bookkeeper
Head Payroll Clerk
Statistician/ Demographer
Computer Systems Designer
Small Business Specialist
Real Estate Specialist
Bookkeepers (4)
Payroll Clerks (3)
Records Clerk
Programmer
Data Entry Coordinator
Clerk
Administrative Assistant for Family Aid
Administrative Assistant for Programs
Administrative Assistant for Employment
Facility Bld. Coordinators (6)
Recreation Coordinator
Assistant Plant Manager
Plant Manager
Credit Officer
Tribal Security Officer
Information and Media Spec.
Bogue Homa Officer
Special Judge
Lifeguards (4)
Swimming Pool Manager
Janitors (2)
Buildings & Grounds Supervisor
Secretary/ Bookkeeper
Security Guards (3)
Director Department of Family and Comm. Serv.
Director Department of Health
Director Department of Education
Director Department of Employment Training

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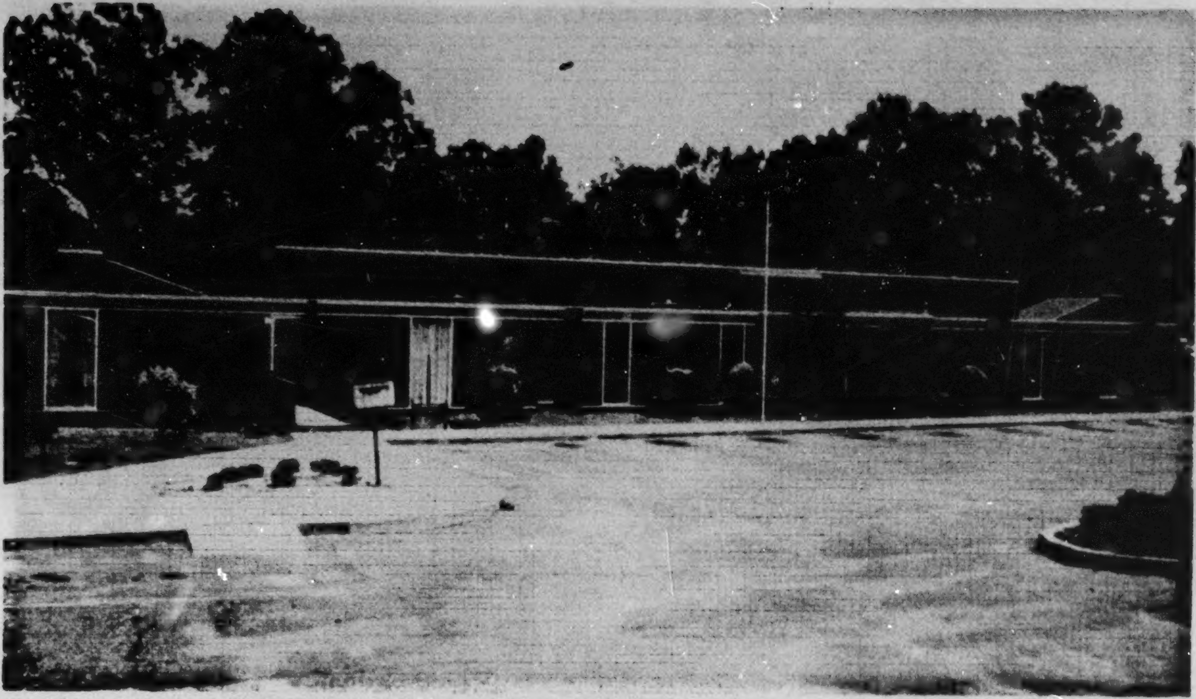
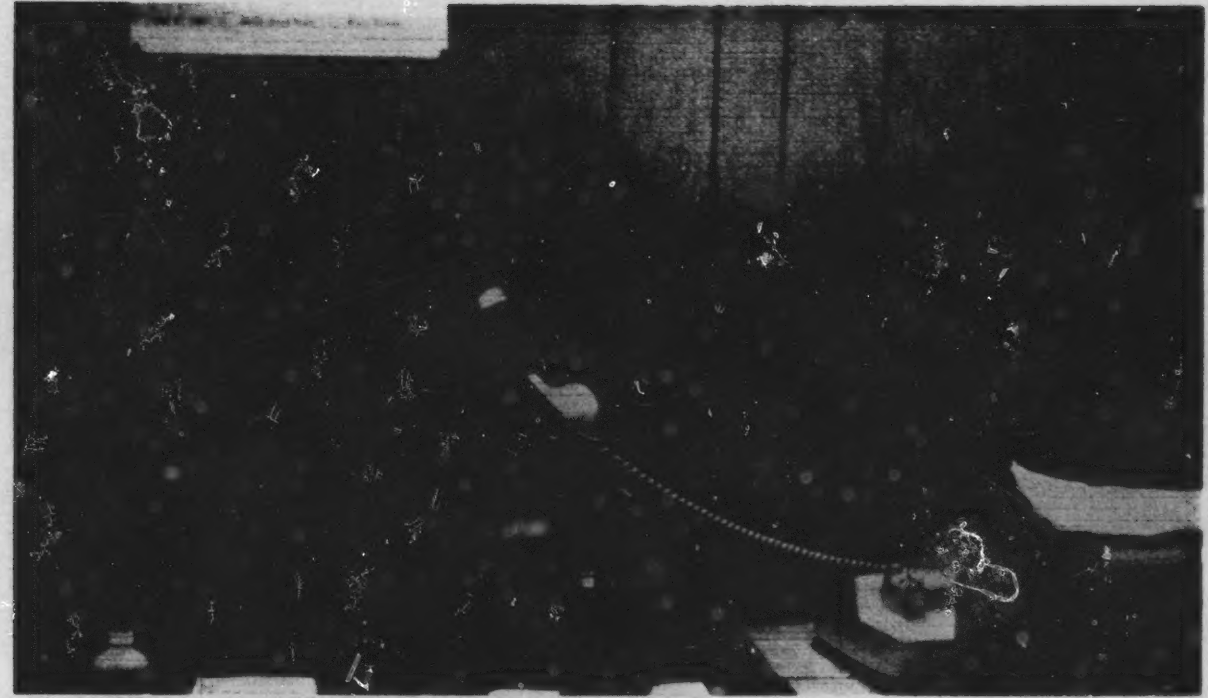
Phillip Martin, Tribal Chief, Mississippi Band of Choctaw Indians / Photo by Edward John



Tribal Office Building--housing administrative, financial, and technical facilities / Photo by Edward John

Ed Smith, Choctaw Tribal Attorney / Photo by Edward John



Roger Anderson, Chairman of Judicial Affairs and Law Enforcement Committee / Photo by Bill Brescia

Preston Isaac, Supervisory Criminal Investigator / Photo by Edward John

Esterline Tubby, Choctaw Judge / Photo by Edward John

Appendix

A Historical Overview of European and Federal Policy Toward North American Indians

Revised Constitution and Bylaws of the Mississippi Band of Choctaw Indians

Treaty of Doak's Stand

Treaty of Washington City

Treaty of Dancing Rabbit Creek

A HISTORICAL OVERVIEW OF EUROPEAN AND FEDERAL POLICY TOWARD NORTH AMERICAN INDIAN TRIBES

TRIBAL INDEPENDENCE, 1492-1787:

During this time, the North American continent was inhabited by over four hundred, independent tribes, each controlling its own territory and having its own government, culture, and language.

AGREEMENTS BETWEEN EQUALS, 1787-1816:

The United States Government regarded Indian tribes as having the same status as foreign nations. In order to gain the allegiance and friendship of the Indian tribes, Congress passed a number of laws to protect the Indians from abuse by non-Indians.

RELOCATION OF THE INDIANS, 1828-1887:

The eastern tribes were to be removed to lands west of the Mississippi River. In 1871, Congress decided to discontinue making treaties with the Indian tribes. The Federal Government determined that the tribes were no longer independent nations "whose treaty consent was needed."

ALLOTMENT AND ASSIMILATION, 1887-1934:

During this time the General Allotment Act, also known as the Dawes Act, was passed which marked the beginning of a major effort by the United States "to assimilate Indians into white society."

INDIAN REORGANIZATION, 1934-1953:

The Indian Reorganization Act, also known as the Wheeler-Howard Act, was designed to "'rehabilitate the Indians' economic life and to give them a chance to develop the initiative destroyed by a century of oppression and paternalism.'"

TERMINATION, 1953-1968:

This new policy, which terminated federal benefits and services to certain tribes and forced dissolution of their reservations, brought Indian tribes to the brink of economic collapse.

SELF-DETERMINATION, 1968-1977:

This era marked the beginning of a new national policy toward Indian people, affirming "'their rights to freedom of choice and self-determination.'" Congress prohibited states from having jurisdiction over Indian reservations without tribal consent. Acts were passed to stimulate Indian entrepreneurship and employment; to develop natural resources; to administer Federal Indian programs on the reservations; and to stimulate the purchase of Indian products and Indian labor by the Bureau of Indian Affairs in negotiating and fulfilling its contracts.

THE FUTURE

"In recent years, Indian tribes have become increasingly assertive of their treaty and statutory rights." The Senate supports the continued strengthening of tribal governments:

> 'The long-term objective of Federal-Indian policy [should] be the development of tribal governments into full operational governments exercising the same powers and shouldering the same responsibilities as other local governments. This objective should be pursued in a flexible manner, which will respect and accommodate the unique cultural and social attributes of the individual Indian tribes.'

The preceding chronology is from Steven L. Pevar, The Rights of Indians and Tribes (New York: Bantam Books, 1983), pp. 2-8.

REVISED CONSTITUTION AND BYLAWS OF THE MISSISSIPPI BAND OF CHOCTAW INDIANS

PREAMBLE

We, the Choctaw Indians, members of the Mississippi Band of Choctaw Indians, desiring to promote the achievement of self-government for the Choctaw people do, for our welfare and benefit, hereby adopt and proclaim the following constitution and bylaws.

ARTICLE I - NAME

The name of this organization shall be the Mississippi Band of Choctaw Indians and may hereinafter be referred to as "the tribe."

ARTICLE II - JURISDICTION

The jurisdiction of the Mississippi Band of Choctaw Indians shall extend to all lands now held or which may hereafter be acquired by or for or which may be used under proper authority by the Mississippi Band of Choctaw Indians, and to all persons who are now or may hereafter become members of the Mississippi Band of Choctaw Indians.

ARTICLE III - MEMBERSHIP

Sec. 1. The membership of the Mississippi Band of Choctaw Indians shall consist of:

(a) All Choctw Indians of one-half (1/2) or more Choctaw blood, resident in Mississippi, January 1, 1940, as shown by the census roll maintained by the Bureau of Indian Affairs at the Choctaw Agency, provided that the tribal council shall have the power to revise said rolls, with the approval of the Secretary of the Interior at any time.

(b) Any child of one-half (1/2) or more Choctaw blood born to any enrolled member of the band after January 1, 1940, shall be entitled to membership.

Sec. 2. The tribal council shall have the power to pass ordinances, subject to the approval of the Secretary of the Interior, governing, future membership, loss of membership, and the adoption of new members; provided that no person of less than one-half degree of Choctaw blood shall be admitted to membership in the Mississippi Band of Choctaw Indians.

ARTICLE IV - GOVERNING BODY

Sec. 1. The Mississippi Band of Choctaw Indians shall be governed by a tribal council and a tribal chief whose powers are enumerated in Articles VIII and IX herein.

Sec. 2. The tribal council shall consist of elected representatives from the seven (7) recognized Choctaw communities. Each community shall be entitled to representation on the tribal council according to population as in hereinafter provided:

Bogue Chitto Community	3
Conehatta Community	3
Pearl River Community	3
Red Water Community	2
Standing Pine Community	2
Tucker Community	2
Bogue Homa Community	1

Sec. 3. The tribal chief shall be elected by the Choctaw people at large with each registered voter entitled to one vote.

Sec. 4. The tribal council shall have authority to make changes in the number of representatives from each community according to future community needs, community population changes or applicable Federal law, subject to the approval of the Secretary of the Interior.

Sec. 5. In order to qualify for and seek election to a seat on the tribal council, a person must

(a) be an enrolled member of the tribe.
(b) claim residence by registration in the community which he intends to represent.
(c) be at least 21 years of age.

Sec. 6. In order to qualify for and seek election to the office of tribal chief, a person must

(a) be an enrolled member of the tribe.
(b) be at least 30 years of age prior to the date of election.

ARTICLE V - ELECTIONS

Sec. 1. Any member of the Mississippi Band of Choctaw Indians, whether male or female, who is eighteen (18) years of age or more and registered according to rules set forth by the tribal council, shall be entitled to vote in any tribal election.

Sec. 2. The tribal council shall prescribe rules and regulations to govern the conduct of tribal elections consistent with this constitution and bylaws. All elections shall be by secret ballot.

Sec. 3. The first regular election under this revised constitution and bylaws shall take place in June 1975. Subsequent thereto, regular elections shall be held in June of odd-numbered years. The present tribal council representatives shall remain in office until their successors are duly elected and seated.

Sec. 4. In all tribal council elections, the person receiving the largest number of votes for a given position shall be declared elected.

Sec. 5. For the election of the tribal chief, the person receiving a majority of the total votes cast for all candidates shall be declared the tribal chief. In the event that no person receives a majority of the total votes cast, the two candidates receiving the highest number of votes shall be paired in a run-off election. This run-off election shall be held within thirty (30) days of the initial election. Of these two candidates, the one who receives a majority of the total votes cast in the run-off election shall be declared the tribal chief.

Sec. 6. The term of office for members of the tribal council shall be four (4) years and until their successors are duly elected and seated, consistent with Sec. 7 below.

Sec. 7. In the regular tribal council election of June, 1975, eight (8) council representatives shall be elected for four (4) year terms and eight (8) council representatives shall be elected for two (2) year terms, [illegible] wit:

	4 Year Terms	2 Year Terms
Bogue Chitto Community	1	2
Conehatta Community	1	2
Pearl River Community	1	2
Red Water Community	2	0
Standing Pine Community	1	1
Tucker Community	1	1
Bogue Homa Community	1	0

For the June, 1975, tribal election, the candidate receiving the most votes in each community will be elected to serve for a 4-year term, with the other candidate(s) being elected to serve 2-year term. This provision does not apply to the Red Water and Bogue Homa Communities.

Beginning with the regular tribal council election of June, 1977, and continuing thereafter, all council representatives shall be elected for four (4) year terms.

Sec. 8. Newly elected members of the tribal council shall take office at the first regular meeting of the council following their election.

Sec. 9. The term of office for the tribal chief shall be four (4) years and until a successor has been elected and seated.

Sec. 10. At the first regular meeting following each election, the tribal council shall elect, from among the membership of the council, a vice-chief and a secretary-treasurer with such powers and duties as are hereinafter enumerated. These officials shall serve for 2 years or until their successors are elected and seated.

ARTICLE VI - VACANCIES AND REMOVAL FROM OFFICE

Sec. 1. If a vacancy occurs in the membership of the tribal council and less than one (1) year remains of the term of the member who has vacated his position, the tribal chief shall appoint a successor to such member, who shall serve until his successor is duly elected and seated at the next regular election. The appointee shall claim residence in and represent the same community as did the member who vacated his position.

Sec. 2. If a vacancy occurs in the membership of the tribal council and more than one (1) year remains of the term of the member who has vacated his position, the tribal chief shall, within sixty (60) days, cause to be held a special election in the community entitled to representation for the purpose of filling the vacancy.

Sec. 3. If a vacancy occurs in the office of tribal chief and less than one (1) year remains of his term of office, the office shall automatically be filled by the vice-chief of the tribal council.

Sec. 4. If a vacancy occurs in the office of tribal chief and more than one (1) year remains of his term of office, the tribal council shall, within sixty (60) days, cause to be held a special election in which all qualified voters of the tribe may participate for the purpose of filling vacancy.

The tribal vice-chief shall serve as tribal chief during the period of such vacancy until a new tribal chief is elected and seated.

Sec. 5. If a vacancy occurs in the office of vice-chief or of the secretary-treasurer of the tribal council, such a vacancy may be filled by the council by election of one of its members to the office.

Sec. 6. Any member of the tribal government (including the tribal chief and members of the tribal council) or any employee of the Mississippi Band of Choctaw Indians, who, during the term for which he is elected or appointed, is convicted of a felony shall be subject to removal from his office by action of the tribal council.

Sec. 7. Any of the seven (7) recognized Choctaw communities represented on the tribal council may petition for the recall of a member it has elected by presenting, at least six months prior to the expiration of such member's term of office, a petition signed by at least forty percent (40%) of the eligible voters in that community. Within sixty (60) days the tribal council shall cause to be held a special election on the question of recall. No council member shall be recalled except by the affirmative vote of a majority of those voting in an election in which at least seventy-five (75%) of the persons eligible to vote shall have voted. Should the recall be approved by the voters, Article VI, Sections 1 and 2, above, shall apply.

Sec. 8. The tribal council may remove council officers from office for cause by two-thirds vote of the council members at a meeting at which a quorum is present, but can neither terminate nor affect their status as council members through such action. The tribal council shall prescribe the methods by which this removal from office may be carried out.

Sec. 9. The tribal chief may be removed from office if, at least six months prior to the expiration of his term, a petition bearing the signatures of at least forty percent (40%) of the registered voters in the tribe is presented to the tribal council. Within sixty (60) days of such presentation, the tribal council shall cause to be held a special election on the question of recall. If a majority of those voting for recall, provisions of Article VI, Section 1 and 2, shall apply, provided that at least seventy-five percent (75%) of the eligible voters in the tribe shall have voted.

ARTICLE VII - COMMUNITY ORGANIZATIONS

The enrolled members of the seven Choctaw communities shall have the right to form local community organizations and adopt their own rules and regulations in harmony with this constitution and bylaws. It shall be the duty of the councilman from each community to report regularly all the actions and decisions of the tribal council to the community organizations.

ARTICLE VIII - POWERS AND DUTIES OF THE TRIBAL COUNCIL

Sec. 1. The legislative power of the Mississippi Band of Choctaw Indians is vested in the tribal council and shall be exercised in accordance with this constitution and bylaws and the Constitution and Laws of the United States applicable to Indian tribes. In addition to exercising any other lawful legislative power of the Mississippi Band of Choctaw Indians, the tribal council is empowered:

(a) To negotiate with and to approve or disapprove contracts or agreements with Federal, State, or local governments, with private persons, or with corporate bodies.

(b) To approve or disapprove any sale, disposition, lease or encumbrance of tribal lands, interests in land, tribal funds, or other tribal assets.

(c) To establish procedures for the conduct of all tribal government and business operations, including the regulation of conflict of interest and nepotism.

(d) To advise the Secretary of the Interior with regard to all appropriation estimates of Federal projects for the benefit of the Mississippi Band of Choctaw Indians prior to the submission of such estimates to the Office of Management and Budget and to Congress.

(e) To employ and pay legal counsel, subject to the approval of the Secretary of the Interior so long as such approval is required by Federal Law.

(f) To appropriate available tribal funds for the benefit of the tribe or of any of its communities.

(g) To approve or disapprove operating budgets upon submission by the tribal chief.

(h) To approve or disapprove all allocations or disbursement of tribal funds (or funds under the control of the tribe) not specifically appropriated or authorized in a budget approval by the Tribal Council.

(i) To establish and enforce rules, consistent with applicable Federal statutes and the regulations of the Secretary of the Interior, for the management of tribal lands, including, but not limited to, the making and revocation of assignments, and the disposition of timber, oil, and mineral resources.

(j) To create, or to provide by ordinance for the creation of organizations, including public and private corporations, for any lawful purpose, which may be non-profit or profit-making, and to regulate the activities of such organizations by ordinance.

(k) To promote and protect the health, peace, morals, education, and general welfare of the tribe and its members.

(l) To borrow money from any source whatsoever without limit as to amount, and on such terms and conditions and for such consideration and periods of time as the tribal council shall determine; to use all funds thus obtained to promote the welfare and betterment of the tribe and of its members; to finance tribal enterprises; or to lend money thus borrowed.

(m To establish and enforce ordinances governing the conduct of tribal members; providing for the maintenance of law, order, and the administration of justice; regulating wholesale, retail, commercial, or industrial activities on tribal lands; establishing a tribal court; and defining the powers and duties of that court; subject to the approval of the Secretary of the Interior where such approval is required by Federal law.

(n) To establish a basic departmental structure for the tribal government executive branch.

(o) To establish policies relating to tribal economic affairs and enterprises in accordance with this constitution and bylaws.

(p) To pass any ordinances and resolutions necessary or incidental to the exercise of any of the foregoing powers and duties.

(q) To do such acts of a governmental and public nature as are not prohibited by applicable laws or by this constitution and bylaws.

(r) To levy and collect taxes and raise revenue to meet the need of the tribe or to support tribal government operations.

ARTICLE IX - POWERS AND DUTIES OF THE CHIEF

Sec. 1. The tribal chief of the Mississippi Band of Choctaw Indians shall have the following executive powers and duties subject to any limitation imposed by the statutes or the Constitution of the United States or by this constitution and bylaws:

(a) To serve as the principal executive officers of the tribe and as head of the executive branch of the tribal government.

(b) To carry out policies established by the tribal council.

(c) To negotiate contracts or agreements with Federal, State, or local governments, private persons, or corporate bodies and to submit them to the tribal council for approval.

(d) To manage, administer and direct the operation of tribal programs, activities, and services and to report to the tribal council the status of each program at least annually.

(e) To prepare budgets, budget estimates, and financial reports for submission to or at the direction of the tribal council.

(f) To provide for the proper receipt, deposit, disbursement, and accounting of all funds (or funds under control of the tribe) consistent with this constitution and bylaws and such policies as may be established by the tribal council.

(g) To provide for the protection and maintenance of the property, equipment, and official records of the tribe.

(h) To provide for enforcement of the rules, regulations, and ordinances enacted by the tribal council.

(i) To preside over the meetings of the tribal council and to vote only in case of a tie.

(j) To exercise such additional executive powers as are necessary or incidental to the performance of the powers and duties enumerated above, and which are neither specifically denied to the tribal chief herein.

ARTICLE X - RIGHTS OF INDIANS

Sec. 1. The Mississippi Band of Choctaw Indians, in exercising powers of self-government shall not:

(a) Make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech, or of the press, or of the right of the people peaceably to assemble and petition for a redress of grievances.

(b) Violate the right of the people to be secure in their persons, houses, papers, and effects against unreasonable search and seizure, nor issue warrants, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized.

(c) Subject any person for the same offense to be twice put in jeopardy.

(d) Compel any person in any criminal case to be a witness against himself.

(e) Take any private property for a public use without just compensation.

(f) Deny to any person in criminal proceeding the right to a speedy and public trial; to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and, at his own expense, to have the assistance of counsel for his defense.

(g) Require excessive bail, impose excessive fines, inflict cruel and unusual punishment, and in no event impose for conviction of any one offense any penalty or punishment greater than imprisonment for a term of six months or a fine of $500, or both.

(h) Deny to any persons within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law.

(i) Pass any bill of attainder or ex post facto law.

(j) Deny to any person accused of an offense punishable by imprisonment, the right, upon request, to a trial by jury of not less than six persons.

Sec. 2. The privilege of the writ of habeas corpus shall be available to any person, in a court of the United States, to test the legality of his detention by order of the tribal court.

ARTICLE XI - INITIATIVE AND REFERENDUM

Sec. 1. The members of the tribe reserve to themselves the power to propose ordinances and resolutions and to enact or reject the same at the polls independent of the tribal council, but subject to approval of the Secretary of the Interior as required by this constitution and bylaws. The members of the tribe also reserve power at their own option to approve or reject at the polls any act of the tribal council.

Sec. 2. The first power reserved by the members of the tribe is the initiative. Thirty percent (30%) of the registered voters shall have the right by petition to propose amendments to this constitution and bylaws and to propose ordinances and resolutions.

The second power is the referendum which shall be ordered upon a petition signed by thirty percent (30%) of the registered voters.

Sec. 3. Upon receipt of a request for an election in the form of an initiative or referendum petition, the tribal chief shall, after ascertaining that a sufficent number of registered voters have signed, cause to be held an election on the question or issue within sixty (60) days of receipt of said petition; provided, however, that an election on a constitution amendment must be called by the Secretary of the Interior as provided in Article XIII. Thirty percent (30%) of the registered shall constitute a sufficient number of voters under this section.

Sec. 4. Any measures referred to the tribe by the initiative or by the referendum shall take effect and be in force when approved by a majority of the votes cast in such election in which at least forty percent (40%) of the registered voters have voted, except that measures requiring approval of the Secretary of the Interior shall not be effective until approved by him.

Sec. 5. All measures referred to the tribe for approval or disapproval by election shall begin with the words: "Be it Enacted by the Members of the Mississippi Band of Choctaw Indians."

Sec. 6. Referendum or initiative petitions filed under Article XI must be submitted under a cover letter signed by at least three (3) sponsors who are members of the tribe and who are registered to vote in tribal elections.

Said cover letter must be signed by the sponsors in the presence of a registered notary public, and said petitions must be filed in accordance with a procedure to be established by the tribal council.

ARTICLE XII - REPEAL AND SAVING CLAUSE

Sec. 1. The constitution and bylaws of the Mississippi Band of Choctaw Indians approved May 22, 1945, and revised in November 28, 1969, under the provisions of the Act of June 18, 1934, as amended, is hereby repealed and superseded by this constitution.

Sec. 2. All ordinances and resolutions heretoafter enacted by the Mississippi Band of Choctaw Indians shall remain in full force and effect to the extent that they are consistent with this constitution.

Sec. 3. In the event any sentence, paragraph or section of this constitution and bylaws shall be held unconstitutional or invalid by a Federal court of competent jurisdiction, the remaining sentences, paragraphs or sections shall remain valid and be presumed consistent with the United States Constitution.

ARTICLE XIII - AMENDMENTS

This constitution and bylaws may be amended by a majority vote of the qualified voters of the tribe voting at an election called for that purpose by the Secretary of the Interior, provided that at least forty percent (40%) of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment when requested by a sufficient number of qualified voters as provided in Article XI or by the tribal council.

BYLAWS OF THE MISSISSIPPI BAND OF CHOCTAW INDIANS

ARTICLE I - DUTIES OF TRIBAL COUNCIL OFFICERS

Sec. 1. The vice-chief of the tribal council shall assist the tribal chief when called upon to do so by the chief and, in the absence of the tribal chief, it shall be his duty and responsibility to preside over tribal council meetings.

Sec. 2. The secretary-treasurer of the tribal council shall insure that an accurate record of all transactions of the council is maintained.

He shall submit promptly, to the Superintendent of the Choctaw Agency, copies of the minutes, resolutions adopted, and ordinances passed at all regular and special meetings of the tribal council as required by the Secretary of the Interior.

Sec. 3. The secretary-treasurer of the tribal council shall cause to be audited all tribal funds and accounts at least once each year and at such other times as required by the tribal council or by the Secretary of the Interior and shall sign and approve all disbursements of tribal funds (or funds under control of the tribe); he shall also sign and approve all contracts negotiated by the tribal chief on behalf of the tribe unless otherwise provided by the tribal council.

Sec. 4. The secretary-treasurer of the tribal council, and such other officers and employees of the tribe who are responsible for safeguarding tribal resources, shall be bonded and the cost of such bond shall be borne by the tribe. The amount of the bond shall be determined by the tribal council as required by the Secretary of the Interior.

Sec. 5. The secretary-treasurer of the tribal council, by reason of his office, shall preside over such committees as are established by the tribal council on budgetary and financial matters.

ARTICLE II - MEETINGS

Sec. 1. The tribal council shall hold regular meetings on the second Tuesday in January, April, July, and October of each year. Special meetings of the tribal council

(a) may be called by the tribal chief when in his judgement they are required.
(b) shall be called by the tribal chief at the written request of at least nine (9) members of the tribal council or a majority of the council membership, whichever is higher.

The business of special meetings shall be limited to the matters specified in the call.

Sec. 2. A majority of the members of the tribal council shall constitute a quorum for the transaction of any tribal business.

Sec. 3. The tribal council in the conduct of its business shall be governed by Robert's Rules of Order.

ARTICLE III - ADOPTION

This constitution and bylaws, when adopted by a majority vote of the enrolled members of the Mississippi Band of Choctaw Indians voting in a special election called for that purpose by the Secretary of the Interior and in which at least thirty percent (30%) of those persons entitled to vote shall have voted, shall be submitted to the Secretary of the Interior for his approval. The date of such approval shall be the effective date of this constitution and bylaws.

CERTIFICATE OF RESULTS OF ELECTION

Pursuant to an election authorized by the Acting Deputy. Commissioner of Indian Affairs on October 17, 1974, the attached Revised Constitution and Bylaws of the Mississippi Band of Choctaw Indians was submitted to the qualified voters of the band and was on December 17, 1974, duly Adopted by a vote of 325 for, and 237 against, in an election in which at least thirty percent of the 1687 entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

/s/ Robert Benn
Chairman, Election Board

/s/ Frank Steve
Election Board Member

/s/ Maxine Dixon
Election Board Member

APPROVAL

I, (Sgd) Morris Thompson, ________________

Commissioner of Indian Affairs, by virtue of the authority granted to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended, and delegated to me by 230 DM 1.1, do hereby approve the Revised Constitution and Bylaws of the Mississippi Band of Choctaw Indians, duly adopted by the qualified voters on December 17, 1974.

/s/ Morris Thompson
Commissioner of Indian Affairs

Washington, D.C.
Date: March 28, 1975

TREATY WITH THE CHOCTAW, 1820.

A treaty of friendship, limits, and accommodation, between the United States of America and the Choctaw nation of Indians, begun and concluded at the Treaty Ground, in said nation, near Doak's Stand, on the Natchez Road.

PREAMBLE.

Whereas it is an important object with the President of the United States, to promote the civilization of the Choctaw Indians, by the establishment of schools amongst them; and to perpetuate them as a nation, by exchanging, for a small part of their land here, a country beyond the Mississippi River, where all, who live by hunting and will not work, may be collected and settled together.—And whereas it is desirable to the state of Mississippi, to obtain a small part of the land belonging to said nation; for the mutual accommodation of the parties, and for securing the happiness and protection of the whole Choctaw nation, as well as preserving that harmony and friendship which so happily subsists between them and the United States, James Monroe, President of the United States of America, by Andrew Jackson, of the State of Tennessee, Major General in the Army of the United States, and General Thomas Hinds, of the State of Mississippi, Commissioners Plenipotentiary of the United States, on the one part, and the Mingoes, Head Men, and Warriors, of the Choctaw nation, in full Council assembled, on the other part, have freely and voluntarily entered into the following articles, viz:

ARTICLE 1. To enable the President of the United States to carry into effect the above grand and humane objects, the Mingoes, Head Men, and Warriors, of the Choctaw nation, in full council assembled, in behalf of themselves and the said nation, do, by these presents, cede to the United States of America, all the land lying and being within the boundaries following, to wit:—Beginning on the Choctaw boundary, East of Pearl River, at a point due South of the White Oak spring, on the old Indian path; thence north to said spring; thence northwardly to a black oak, standing on the Natchez road, about forty poles eastwardly from Doake's fence, marked A.J. and blazed with two large pines and a black oak standing near thereto, and marked as pointers; thence a straight line to the head of Black Creek, or Bouge Loosa; thence down Black Creek or Bouge Loosa to a small Lake; thence a direct course, so as to strike the Mississippi one mile below the mouth of the Arkansas River; thence down the Mississippi to our boundary; thence around and along the same to the beginning.

ARTICLE 2. For and in consideration of the foregoing cession, on the part of the Choctaw nation, and in part satisfaction for the same, the Commissioners of the United States, in behalf of said States, do hereby cede to said nation, a tract of country west of the Mississippi River, situate between the Arkansas and Red River, and bounded as follows:—Beginning on the Arkansas River where the lower boundary line of the Cherokees strikes the same; thence up the Arkansas to the Canadian Fork, and up the same to its source; thence due South to the Red River; thence down Red River, three miles below the mouth of Little River, which empties itself into Red River on the north side; thence a direct line to the beginning.

ARTICLE 3. To prevent any dispute upon the subject of the boundaries mentioned in the 1st and 2d articles, it is hereby stipulated between the parties, that the same shall be ascertained and distinctly marked by a Commissioner, or Commissioners, to be appointed by the United States, accompanied by such person as the Choctaw nation may select; said nation having thirty days previous notice of the time and place at which the operation will commence. The person so chosen by the Choctaws, shall act as a pilot or guide, for which the United States will pay him two dollars per day, whilst actually engaged in the performance of that duty.

ARTICLE 4. The boundaries hereby established between the Choctaw Indians and the United States, on this side of the Mississippi river, shall remain without alteration until the period at which said nation shall become so civilized and enlightened as to be made citizens of the United States, and Congress shall lay off a limited parcel of land for the benefit of each family or individual in the nation.

ARTICLE 5. For the purpose of aiding and assisting the poor Indians, who wish to remove to the country hereby ceded on the part of the United States, and to enable them to do well and support their families, the Commissioners of the United States engage, in behalf of said States, to give to each warrior a blanket, kettle, rifle gun, bullet moulds and nippers, and ammunition sufficient for hunting and defense, for one year. Said warrior shall also be supplied with corn to support him and his family, for the same period, and whilst traveling to the country above ceded to the Choctaw nation.

ARTICLE 6. The Commissioners of the United States further covenant and agree, on the part of said States, that an agent shall be appointed, in due time, for the benefit of the Choctaw Indians who may be permanently settled in the country ceded to them beyond the Mississippi river, and, at a convenient period, a factor shall be sent there with goods, to supply their wants. A Blacksmith shall also be settled amongst them, at a point most convenient to the population; and a faithful person appointed, whose duty it shall be to use every reasonable exertion to collect all the wandering Indians belonging to the Choctaw nation, upon the land hereby provided for their permanent settlement.

ARTICLE 7. Out of the lands ceded by the Choctaw nation to the United States, the Commissioners aforesaid, in behalf of said States, further covenant and agree, that fifty-four sections of one mile square shall be laid out in good land, by the President of the United States, and sold, for the purpose of raising a fund, to be applied to the support of the Choctaw schools, on both sides of the Mississippi river. Three-fourths of said fund shall be appropriated for the benefit of the schools here; and the remaining fourth for the establishment of one or more beyond the Mississippi; the whole to be placed in the hands of the President of the United States, and to be applied by him, expressly and exclusively, to this valuable object.

ARTICLE 8. To remove any discontent which may have arisen in the Choctaw Nation, in consequence of six thousand dollars of their annuity having been appropriated annually, for sixteen years, by some of the chiefs, for the support of their schools, the Commissioners of the United States oblige themselves, on the part of said States, to set apart an additional tract of good land, for raising a fund equal to that given by the said chiefs, so that the whole of the annuity may remain in the nation, and be divided amongst them. And in order that exact justice may be done to the poor and distressed of said nation, it shall be the duty of the agent to see that the wants of every deaf, dumb, blind, and distressed, Indian, shall be first supplied out of said annuity, and the balance equally distributed amongst every individual of said nation.

ARTICLE 9. All those who have separate settlements, and fall within the limits of the land ceded by the Choctaw nation to the United States, and who desire to remain where they now reside, shall be secured in a tract or parcel of land one mile square, to include their improvements. Any one who prefers removing, if he does so within one year from the date of this treaty, shall be paid their full value, to be ascertained by two persons, to be appointed by the President of the United States.

ARTICLE 10. As there are some who have valuable buildings on the roads and elsewhere upon the lands hereby ceded, should they remove, it is further agreed by the aforesaid Commissioners, in behalf of the United States, that the inconvenience of doing so shall be considered, and such allowence made shall be paid to the Mingo, Puckshenubbee, five hundred dollars; to Harrison, two hundred dollars; to Captain Cobb, two hundred dollars; to William Haye, two hundred dollars; to O'Gleno, two hundred dollars; and to all others who have comfortable houses, a compensation in the same proportion.

ARTICLE 11. It is also provided by the Commissioners of the United States, and they agree in behalf of said states, that those Choctaw Chiefs and Warriors, who have not received compensation for their services during the campaign to Pensacola, in the late war, shall be paid whatever is due them over and above the value of the blanket, shirt, flap, and leggins, which have been delivered to them.

ARTICLE 12. In order to promote industry and sobriety amongst all classes of the Red people, in this nation, but particularly the poor, it is further provided by the parties, that the agent appointed to reside here, shall be, and he is hereby, vested with full power to seize and confiscate all the whiskey which may be introduced into said nation, except that used at public stands, or brought in by the permit of the agent, or the principal Chiefs of the three Districts.

ARTICLE 13. To enable the Mingoes, Chiefs, and Head Men, of the Choctaw nation, to raise and organize a corps of Light-Horse, consisting of ten in each District, so that good order may be maintained, and that all men, both white and red, may be compelled to pay their just debts, it is stipulated and agreed, that the sum of two hundred dollars shall be appropriated by the United States, for each district, annually, and placed in the bands of the agent, to pay the expenses incurred in raising and establishing said corps; which is to act as executive officers, in maintaining good order, and compelling bad men to remove from the nation, who are not aurthorized to live in it by a regular permit from the agent.

ARTICLE 14. Whereas the father of the beloved Chief Mushulatubbee, of the Lower Towns, for and during his life, did receive from the United States the sum of one hundred and fifty dollars, annually; it is hereby stipulated, that his son and successor Mushulatubbee, shall annually be paid the same amount during his natural life, to commence from the ratification of this Treaty.

ARTICLE 15. The peace and harmony subsisting between the Choctaw Nation of Indians and the United States, are hereby renewed, continued, and declared to be perpetual.

ARTICLE 16. These articles shall take effect, and become obligatory on the contracting parties, so soon as the same shall be ratified by the President, by and with the advice and consent of the Senate of the United States.

In testimony whereof, the commissioners plenipotentiary of the United States and the Mingoes, head men, and warriors, of the Choctaw nation, have hereunto subscribed their names and affixed their seals, at the place above written, this eighteenth day of October, in the year of our Lord one thousand eight hundred and twenty, and of the independence of the United States the forty-fifth.

Andrew Jackson, [L.S.]
Thomas Hinds, [L.S.]
Commissioners,
Medal Mingoes:
Puckshenubbee, his x mark, [L.S.]
Pooshawattaha, his x mark, [L.S.]
Mushulatubbee, his x mark, [L.S.]
Chiefs and warriors:
General Humming Bird, his x mark, [L.S.]
James Hanison, his x mark, [L.S.]
Talking Warrior his x mark, [L.S.]
Little Leader his x mark, [L.S.]
Captain Bob Cole his x mark, [L.S.]
Red Fort, or Oolatahooma his x mark, [L.S.]
Choctawistonocka, his x mark, [L.S.]
Ogleno, his x mark, [L.S.]
Chuleta, his x mark, [L.S.]
John Frazier his x mark, [L.S.]
Oakchummia, his x mark, [L.S.]
Nockestona, his x mark, [L.S.]
Chapahooma, his x mark, [L.S.]
Onanchahabee, his x mark, [L.S.]
Copatanathoco, his x mark, [L.S.]
Atahobia, his x mark, [L.S.]
Opehoola, his x mark, [L.S.]
Chetantanchahubbee, his x mark, [L.S.]
Captain Lapala, his x mark, [L.S.]
Panchahabbee, his x mark, [L.S.]
Chuckahicka, his x mark, [L.S.]
Tallahomia, his x mark, [L.S.]
Totapia, his x mark, [L.S.]
Hocktanlubbee, his x mark, [L.S.]
Tapawanchahubbee, his x mark, [L.S.]
Capt. Red Bird, his x mark, [L.S.]
Capt. Jerry Carney, his x mark, [L.S.]
Chapanchahabbee, his x mark, [L.S.]
Tunnupnuia, his x mark, [L.S.]
Ponhoopia, his x mark, [L.S.]
Chatamakaha, his x mark, [L.S.]
Hepeahomia, his x mark, [L.S.]
William Hay, his x mark, [L.S.]
Captain Samuel Cobb, his x mark, [L.S.]
Lewis Brashears, his x mark, [L.S.]
Muckelehamia, his x mark, [L.S.]
Capt. Sam. Magee, his x mark, [L.S.]
Ticbehamia, his x mark, [L.S.]
Doctor Red Bird, his x mark, [L.S.]
Oontoola, his x mark, [L.S.]
Pooshoushabbee, his x mark, [L.S.]
Casania, his x mark, [L.S.]
Joseph Nelson, his x mark, [L.S.]
Unahubbee, his x mark, [L.S.]
Ticbehacubbee, his x mark, [L.S.]
Suttacanchihubbee, his x mark, [L.S.]
Capt. William Beams, his x mark, [L.S.]
Captain James Pitchlynn [L.S.]
Capt. James Garland, his x mark, [L.S.]
Tapanahomia, his x mark, [L.S.]
Thlahomia, his x mark, [L.S.]
Tishotata, his x mark, [L.S.]
Inoquia, his x mark, [L.S.]
Ultetoncubbee, his x mark, [L.S.]
Palochubbee, his x mark, [L.S.]
Jopannu, his x mark, [L.S.]
Captain Joel H. Vail, [L.S.]
Tapanastonahamia, his x mark, [L.S.]
Hoopihomia, his x mark, [L.S.]
Chelutahomia, his x mark, [L.S.]
Tuskiamingo, his x mark, [L.S.]
Young Captain, his x mark, [L.S.]
Chiefs and warriors:
Hakatubbee, his x mark, [L.S.]
Tishoo, his x mark, [L.S.]

Capt. Bobb, his x mark, [L.S.]
Hopeanchahabee, his x mark, [L.S.]
Capt. Bradley, his x mark, [L.S.]
Capt. Daniel M'Curtain, his x mark, [L.S.]
Muckliashopia, his x mark, [L.S.]
Nuckpullachubhee, his x mark, [L.S.]
George Turnbull, [L.S.]
Captain Thomas M'Curtain, his x mark, [L.S.]
Oakahonahooma, his x mark, [L.S.]
Capt. John Cairns, his x mark, [L.S.]
Topenastonahooma, his x mark, [L.S.]
Holatohamia, his x mark, [L.S.]
Col. Boyer, his x mark, [L.S.]
Holantachanshahubbee, his x mark, [L.S.]
Chuckahabbee, his x mark, [L.S.]
Washeechahopia, his x mark, [L.S.]
Alex. Hamilton, [L.S.]
Capt. Red Knife, his x mark, [L.S.]
Shapahroma, his x mark, [L.S.]
Capt. Tonnanpoocha, his x mark, [L.S.]
Mechamiabbee, his x mark, [L.S.]
Tuskanohamia, his x mark, [L.S.]
Tookatubbetusea, his x mark, [L.S.]
William Frye, his x mark, [L.S.]
Greenwood Leflore, his x mark, [L.S.]
Archibald MaGee, his x mark, [L.S.]
Capt. Ben Burris, his x mark, [L.S.]
Tusconohicca, his x mark, [L.S.]
Capt. Lewis Perry, his x mark, [L.S.]
Henakachubbee, his x mark, [L.S.]
Red Duck, his x mark, [L.S.]
Muttahubbee, his x mark, [L.S.]
Capt. Ihokahatubbee, his x mark, [L.S.]
Tussashamia, his x mark, [L.S.]
Capt. Charles Durant, his x mark, [L.S.]
Piere Durant, his x mark, [L.S.]

Witnesses present at sealing and signing:

Saml. R. Overton, secretary to the commission,
Eden Brashears,
J.C. Bronaugh, ssistant surgeon-general,S.D.,U.S.Army,
H.D.Downs
Wm. F. Gangant,
Wm. M. Graham, first lieutenant, Corps of Artillery
Andrew J. Donelson, brevet second lieutenant Corps of Engineers and aid-de-camp to General Jackson,
P.A. Vandorn,
John H. Esty,
John Pitchlynn, United States interpreter,
M. Mackey, United States interpreter,
Edmund Falsome, interpreter,X,
James Hughes,
Geo. Fisher,
Jas. Jackson, jr.

TREATY WITH THE CHOCTAW, 1825

Articles of a convention made between John C. Calhoun, Secretary of War, being specially authorized therefor by the President of the United States, and the undersigned Chiefs and Head Men of the Choctaw Nation of Indians, duly authorized and empowered by said Nation, at the City of Washington City, on the twentieth day of January, in the year of our Lord one thousand eight hundred and twenty-five.

Whereas a Treaty of friendship, and limits, and accommodation, having been entered into at Doake's Stand, on the eighteenth of October, in the year one thousand eight hundred and twenty, between Andrew Jackson and Thomas Hinds, Commissioners on the part of the United States, and the Chiefs and Warriors of the Chuctaw Nation of Indians; and whereas the second article of the Treaty aforesaid provides for a cession of lands, west of the Mississippi, to the Choctaw Nation, in part satisfaction for lands ceded by said Nation to the United States, according to the first article of said treaty: And whereas, it being ascertained that the cession foresaid embraces a large number of settlers, citizens of the United States; and it being the desire of the President of the United States to obviate all difficulties resulting therefrom, and also, to adjust other matters in which both the United States and the Choctaw Nation are interested: the following articles have been agreed upon, and concluded, between John C. Calhoun, Secretary of War, specially authorised therefor by the President of the United States, on the one part, and the undersigned Delegates of the Choctaw Nation, on the other part:

ARTICLE 1. The Choctaw Nation do hereby cede to the United States all that portion of the land ceded to them by the second article of the Treaty of Doak Stand, as aforesaid, lying east of a line beginning on the Arkansas, one hundred paces east of Fort Smith, and running thence, due south, to Red River: it being understood that this line shall constitute, and remain, the permanent boundary between the United States and the Choctaws: and the United States agreeing to remove such citizens as may be settled on the west side, to the east side of said line, and prevent future settlements from being made on the west thereof.

ARTICLE 2. In consideration of the cession aforesaid, the United States do hereby agree to pay the said Choctaw Nation the sum of six thousand dollars, annually, forever; it being agreed that the said sum of six thousand dollars shall be annually applied, for the term of twenty years, under the direction of the President of the United States, to the support of schools in said nation, and extending to it the benefits of instruction in the mechanic and ordinary arts of life; when, at the expiration of twenty years, it is agreed that the said annuity may be vested in stocks, or otherwise disposed of, or continued, at the option of the Choctaw nation.

ARTICLE 3. The eighth article of the treaty aforesaid having provided that an appropriation of lands shall be made for the purpose of raising six thousand dollars a year for sixteen years, for the use of the Choctaw Nation; and it being desirable to avoid the delay and expense attending the survey and sale of said land; the United States do hereby agree to pay the Choctaw Nation, in lieu thereof, the sum of six thousand dollars, annually, for sixteen years, to commence with the present year. And the United States further stipulate and agree to take immediate measures to survey and bring into market, and sell, the fifty-four sections of land set apart by the seventh article of the treaty aforesaid, and apply the proceeds in the manner provided by the said article.

ARTICLE 4. It is provided by the ninth section of the treaty aforesaid, that all those of the Choctaw Nation who have separate settlements, and fall within the limits of the land ceded by said Nation to the United States, and desire to remain where they now reside, shall be secured in a tract or parcel of land, one mile square, to include their improvements. It is, therefore, hereby agreed, that all who have reservations in conformity to said stipulation, shall have power, with the consent of the President of the United States, to sell and convey the same in fee simple. It is further agreed, on the part of the United States, that those Choctaws, not exceeding four in number, who applied for reservations, and received the recommendation of the Commissioners, as per annexed copy of said recommendation, shall have the privilege, and the right is hereby given to them, to select, each of them, a portion of land, not exceeding a mile square, any where within the limits of the cession of 1820, when the land is not occupied or disposed of by the United States: and the right to sell and convey the same, with the consent of the President, in fee simple, is hereby granted.

ARTICLE 5. There being a debt due by individuals of the Choctaw Nation to the late United States' trading house on the Tombigby, the United States hereby agree to relinquish the same; the Delegation, on the part of their nation, agreeing to relinquish their claim upon the United States, to send a factor with goods to supply the wants of the Choctaws west of the Mississippi, as provided for by the 6th article of the treaty aforesaid.

ARTICLE 6. The Choctaw nation having a claim upon the United States, for services rendered in the Pensacola Campaign, and for which it is stipulated, in the 11th article of the treaty aforesaid, that payment shall be made, but which has been delayed for want of the proper vouchers, which it has been found, as yet, impossible to obtain; the United States, to obviate the inconvenience of further delay, and to render justice to the Choctaw Warriors for their services in that campaign, do hereby agree upon an equitable settlement of the same, and fix the sum at fourteen thousand nine hundred and seventy-two dollars fifty cents; which, from the muster rolls, and other evidence in the possession of the Third Auditor, appears to be about the probable amount due, for the services aforesaid, and which sum shall be immediately paid to the Delegation, to be distributed by them to the Chiefs and Warriors of their nation, who served in the campaign aforesaid, as may appear to them to be just.

ARTICLE 7. It is further agreed, that the fourth article of the treaty aforesaid, shall be so modified, as that the Congress of the United States shall not exercise the power of apportioning the lands, for the benefit of each family, or individual, of the Choctaw Nation, and of bringing them under the laws of the United States, but with the consent of the Choctaw Nation.

ARTICLE 8. It appearing that the Choctaws have various claims against citizens of the United States, for spoliations of various kinds, but which they have not been able to support by the testimony of white men, as they were led to believe was necessary, the United States, in order to a final settlement of all such claims, do hereby agree to pay to the Choctaw Delegation, the sum of two thousand dollars, to b[illegible]stributed by them in such way, among the claimants, as [illegible]y may deem equitable. It being understood that this provision is not to affect such claims as may be properly authenticated, according to the provision of the act of 1802.

ARTICLE 9. It is further agreed that, immediately upon the Ratification of this Treaty, or as soon thereafter as may be, an agent shall be appointed for the Choctaws West of the Mississippi, and a Blacksmith be settled among them, in conformity with the stipulation contained in the 6th Article of the Treaty of 1820.

ARTICLE 10. The Chief Puck-she-nubee, one of the members of the Delegation, having died on his journey to see the President, and Robert Cole being recommended by the Delegation as his successor, it is hereby agreed, that the said Robert Cole shall reserve the medal which appertains to the office of Chief, and, also, an annuity from the United States, of one hundred and fifty dollars a year, during his natural life, as was received by his predecessor.

ARTICLE 11. The friendship heretofore existing between the United States and the Choctaw Nation, is hereby renewed and perpetuated.

ARTICLE 12. These articles shall take effect, and become obligatory on the contracting parties, so soon as the same shall be ratified by the President, by and with the advice and consent of the Senate of the United States.

In testimony whereof, the said John C. Calhoun, and the said delegates of the Choctaw nation, have hereunto set their hands, at the city of Washington, the twentieth day of January, one thousand eight hundred and twenty-five.

J.C. Calhoun,
Mooshulatubbee, his x mark,
Robert Cole, his x mark,
Daniel McCurtain, his x mark,
Talking Warrior, his x mark,
Red Fort, his x mark,
Nittuckachee, his x mark,
David Folsom, his x mark,
J.L. McDonald.
In presence of —
Thos. L. McKenney,
Hezekiah Miller,
John Pitchlynn, United States interpreter.

TREATY WITH THE CHOCTAW, 1830

A treaty of perpetual friendship, cession and limits, entered into by John H. Eaton and John Coffee, for and in behalf of the Government of the United States, and the Mingoes, Chiefs, Captains and Warriors of the Choctaw Nation, begun and held at Dancing Rabbit Creek, on the fifteenth of September, in the year eighteen hundred and thirty.

Whereas the General Assembly of the State of Mississippi has extended the laws of said State to persons and property within the chartered limits of the same, and the President of the United States has said that he cannot protect the Choctaw people from the operation of these laws; Now therefore that the Choctaw may live under their own laws in peace with the United States and the State of Mississippi they have determined to sell their lands east of the Mississippi and have accordingly agreed to the following articles of treaty:[a]

ARTICLE I. Perpetual peace and friendship is pledged and agreed upon by and between the United States and the Mingoes, Chiefs, and Warriors of the Choctaw Nation of Red People: and that this may be considered the Treaty existing between the parties all other Treaties heretofore existing and inconsistent with the provisions of this are hereby declared null and void.

ARTICLE II. The United States under a grant specially to be made by the President of the U.S. shall cause to be conveyed to the Choctaw Nation a tract of country west of the Mississippi River, in fee simple to them and their descendants, to inure to them while they shall exist as a nation and live on it, beginning near Fort Smith where the Arkansas boundary crosses the Arkansas River, running thence to the source of the Canadian fork; if in the limits of the United States, or to those limits; thence due south to Red River, and down Red River to the west boundary of the Territory of Arkansas: thence north along that line to the beginning. The boundary of the same to be agreeably to the Treaty made and concluded at Washington City in the year 1825. The grant to be executed so soon as the present Treaty shall be ratified.

ARTICLE III. In consideration of the provisions contained in the several articles of this Treaty, the Choctaw nation of Indians consent and hereby cede to the United States, the entire country they own and possess, east of the Mississippi River, early as practicable, and will so arrange their removal, that as many as possible of their people not exceeding one half of the whole number, shall depart during the falls of 1831 and 1832; the residue to follow during the succeeding fall of 1833; a better opportunity in this manner will be afforded the Government, to extend to them the facilities and comforts which it is desirable should be extended in conveying them to their new homes.

ARTICLE IV. The Government and people of the United States are hereby obliged to secure to the said Choctaw Nation of Red People the jurisdiction and government of all the persons and property that may be within their limits west, so that no Territory or State shall ever have a right to pass laws for the government of the Choctaw Nation of Red People and their descendants: and that no part of the land granted them shall ever be embraced in any Territory or State: but the U.S. shall forever secure said Choctaw Nation from, and against, all laws except such as from time to time may be enacted in their own National Councils, not inconsistent with the Constitution, Treaties, and Laws of the United States; and except such as may, and which have been enacted by Congress, to the extent that Congress under the Constitution are required to exercise a legislation over Indian Affairs. But the Choctaws, should this treaty be ratified, express a wish that Congress may grant to the Choctaws the right of punishing by their own laws, any white man who shall come into their nation, and infringe any of their national regulations.

ARTICLE V. The United States are obliged to protect the Choctaws from domestic strife and from foreign enemies on the same principles that the citizens of the United States are protected, so that whatever would be a legal demand upon the U.S. for defence or for wrongs committed by an enemy, on a citizen of the U.S. shall be equally binding in favor of the Choctaws, and in all cases where the Choctaws shall be called upon by a legally authorized officer of the U.S. to fight an enemy, such Choctaw shall receive the pay and other emoluments, which citizens of the U.S. receive in such cases, provided, no war shall be undertaken or prosecuted by said Choctaw Nation but by declaration made in full Council, and to be approved by the U.S. unless it be self defence against an open rebellion or against an enemy marching into their country, in which cases they shall defend, until the U.S. are advised thereof.

ARTICLE VI. Should a Choctaw or any party of Choctaws commit acts of violence upon the person or property of a citizen of the U.S. or join any war party against any neighbouring tribe of Indians, without the authority in the preceding article; and except to oppose an actual or threatened invasion or rebellion, such person so offending shall be delivered up to an officer of the U.S. if in the power of the Choctaw Nation, that such offender may be punished as may be provided in such cases, by the laws of the U.S.; but if such offender is not within the control of the Choctaw Nation, then said Choctaw Nation shall not be held responsible for the injury done by said offender.

ARTICLE VII. All acts of violence committed upon persons and property of the people of the Choctaw Nation either by citizens of the U.S. or neighbouring Tribes of Red People, shall be referred to some authorized Agent by him to be referred to the President of the U.S. who shall examine into such cases and see that every possible degree of justice is done to said Indian party of the Choctaw Nation.

ARTICLE VIII. Offenders against the laws of the U.S. or any individual State shall be apprehended and delivered to any duly authorized person where such offender may be found in the Choctaw country, having fled from any part of U.S. but in all such cases application must be made to the Agent or Chiefs and the expense of his apprehension and delivery provided for and paid by the U. States.

ARTICLE IX. Any citizen of the U.S. who may be ordered from the Nation by the Agent and constituted authorities of the Nation and refusing to obey or return into the Nation without the consent of the aforesaid persons, shall be subject to such pains and penalties as may by provided by the laws of the U.S. in such cases. Citizens of the U.S. travelling peaceably under the authority of the laws of the U.S. shall be under the care and protection of the nation.

ARTICLE X. No person shall expose goods or other article for sale as a trader, without a written permit from the constituted authorities of the Nation, or authority of the laws of the Congress of the U.S. under penalty of forfeiting the Articles, and the constituted authorities of the Nation shall grant no license except to such persons as reside in the Nation and are answerable to the laws of the Nation. The U.S. shall be particularly obliged to assist to prevent ardent spirits from being introduced into the Nation.

ARTICLE XI. Navigable streams shall be free to the Choctaws who shall pay no higher toll or duty than citizens of

[a] This paragraph was not ratified.

the U.S. It is agreed further that the U.S. shall establish one or more Post Offices in said Nation, and may establish such military post roads, and posts, as they may consider necessary.

ARTICLE XII. All intruders shall be removed from the Choctaw Nation and kept without it. Private property to be always respected and on no occasion taken for public purposes without just compensation being made therefor to the rightful owner. If an Indian unlawfully take or steal any property from a white man a citizen of the U.S. the offender shall be punished. And if a white man unlawfully take or steal anything from an Indian, the property shall be restored and the offender punished. It is further agreed that when a Choctaw shall be given up to be tried for any offence against the laws of the U.S. if unable to employ counsel to defend him, the U.S. will do it, that his trial may be fair and impartial.

ARTICLE XIII. It is consented that a qualified Agent shall be appointed for the Choctaws every four years, unless sooner removed by the President; and he shall be removed on petition of the constituted authorities of the Nation, the President being satisfied there is sufficient cause shown. The Agent shall fix his residence convenient to the great body of the people; and in the selection of an Agent immediately after the ratification of this Treaty, the wishes of the Choctaw Nation on the subject shall be entitled to great respect.

ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under 10 years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity.

ARTICLE XV. To each of the Chiefs in the Choctaw Nation (to wit) Greenwood Laflore, Nutackachie, and Mushulatubbe there is granted a reservation of four sections of land, two of which shall include and adjoin their present improvement, and the other two located where they please but on unoccupied unimproved lands, such sections shall be bounded by sectional lines, and with the consent of the President they may sell the same. Also to the three principal Chiefs and to their successors in office there shall be paid two hundred and fifty dollars annually while they shall continue in their respective offices, except to Mushulatubbe, who as he has an annuity of one hundred and fifty dollars for life under a former treaty, shall receive only the additional sum of one hundred dollars, while he shall continue in office as Chief; and if in addition to this the Nation shall think proper to elect an additional principal Chief of the whole to superintend and govern upon republican principles he shall receive annually for his services five hundred dollars, which allowance to the Chiefs and their successors in office, shall continue for twenty years. At any time when in military service, and while in service by authority of the U.S. the district Chiefs under and by selection of the President shall be entitled to the pay of Majors; the other Chief under the same circumstances shall have the pay of a Lieutenant Colonel. The Speakers of the three districts, shall receive twenty-five dollars a year for four years each; and the three secretaries one to each of the Chiefs, fifty dollars each for four years. Each Captain of the Nation, the number not to exceed ninety nine, thirty-three from each district, shall be furnished upon removing to the West, with each a good suit of clothes and a broad sword as an outfit, and for four years commencing with the first of their removal, shall each receive fifty dollars a year, for the trouble of keeping their people at order in settling; and whenever they shall be in military service by authority of the U.S. shall receive the pay of a captain.

ARTICLE XVI. In wagons; and with steam boats as may be found necessary—the U.S. agree to remove the Indians to their new homes at their expense and under the care of discreet and careful persons, who will be kind and brotherly to them. They agree to furnish them with ample corn and beef, or pork for themselves and families for twelve months after reaching their new homes.

It is agreed further that the U.S. will take all their cattle, at the valuation of some discreet person to be appointed by the President, and the same shall be paid for in money after their arrival at their new homes; or other cattle such as may be desired shall be furnished them, notice being given through their Agent of their wishes upon this subject before their removal that time to supply the demand may be afforded.

ARTICLE XVII. The several annuities and sums secured under former Treaties to the Choctaw nation and people shall continue as though this Treaty had never been made.

And it is further agreed that the U.S. in addition will pay the sum of twenty thousand dollars for twenty years, commencing after their removal to the west, of which, in the first year after their removal, ten thousand dollars shall be divided and arranged to such as may not receive reservations under this Treaty.

ARTICLE XVIII. The U.S. shall cause the lands hereby ceded to be surveyed; and surveyors may enter the Choctaw Country for that purpose, conducting themselves properly and disturbing or interrupting none of the Choctaw people. But no person is to be permitted to settle within the nation, or the lands to be sold before the Choctaws shall remove. And for the payment of the several amounts secured in this Treaty, the lands hereby ceded are to remain a fund pledged to that purpose, until the debt shall be provided for and arranged. And further it is agreed, that in the construction of this Treaty wherever well founded doubt shall arise, it shall be construed most favorably towards the Choctaws.

ARTICLE XIX. The following reservations of land are hereby admitted. To Colonel David Fulsom four sections of which two shall include his present improvement, and two may be located, elsewhere, on unoccupied, unimproved land.

To I. Garland, Colonel Robert Cole, Tuppanahomer, John Pytchlynn, Charles Juzan, Johokebetubbe, Eaychahobia, Ofehoma, two sections, each to include their improvements, and to be bounded by sectional lines, and the same may be disposed of and sold with the consent of the President. And that others not provided for, may be provided for, there shall be reserved as follows:

First. One section to each head of a family not exceeding Forty in number, who during the present year, may have had in actual cultivation, with a dwelling house thereon fifty acres or more. Secondly, three quarter sections after the manner aforesaid to each head of a family not exceeding four hundred and sixty, as shall have cultivated thirty acres and less than fifty, to be bounded by quarter section lines of survey, and to be contiguous and adjoining.

Third; One half section as aforesaid to those who shall have cultivated from twenty to thirty acres the number not to exceed four hundred. Fourth; a quarter section as aforesaid to such as shall have cultivated from twelve to twenty acres, the number not to exceed three hundred and fifty, and one half that quantity to such as shall have cultivated from two to twelve acres, the number also not to exceed three hundred and fifty persons. Each of said class of cases shall be subject to the limitations contained in the first class, and shall be so located as to include that part of the improvement which contains the dwelling house. If a greater number shall be found to be entitled to reservations under the several classes of this article, than is stipulated for under the limitation prescribed, then and in that case the Chiefs separately or together shall determine the persons who shall be excluded in the respective districts.

Fifth; any Captain the number not exceeding ninety persons, who under the provisions of this article shall receive less than a section, he shall be entitled, to an additional quantity of half a section adjoining to his other reservation. The several reservations secured under this article, may be sold with the consent of the President of the U.S. but should any prefer it, or omit to take a reservation for the quantity he may be entitled to, the U.S. will on his removing pay fifty cents an acre, after reaching their new homes, provided that before the first of January next they shall adduce to the Agent, or some other authorized person to be appointed, proof of his claim and the quantity of it. Sixth; likewise children of the Choctaw Nation residing in the Nation, who have neither father nor mother a list of which, with satisfactory proof of Parentage and orphanage being filed with Agent in six months to be forwarded to the War Department, shall be entitled to a quarter section of Land, to be located under the direction of the President, and with his consent the same may be sold and the proceeds applied to some beneficial purpose for the benefit of said orphans.

ARTICLE XX. The U.S. agree and stipulate as follows, that for the benefit and advantage of the Choctaw people, and to improve their condition, their shall be educated under the direction of the President, and at the expense of the U.S. forty Choctaw youths for twenty years. This number shall be kept at school, and as they finish their education others, to supply their places shall be received for the period stated. The U.S. agree also to erect a Council House for the Nation at some convenient central point, after their people shall be settled; and a House for each Chief, also a Church for each of the three Districts, to be used also as school houses, until the Nation may conclude to build others; and for these purposes ten thousand dollars shall be appropriated; also fifty thousand dollars (viz.) twenty-five hundred dollars annually shall be given for the support of three teachers of schools for twenty years. Likewise there shall be furnished to the Nation, three Blacksmiths one for each district for sixteen years, and a qualified Mill Wright for five years; Also there shall be furnished the following articles, twenty one hundred blankets, to each warrior who emigrates a rifle, moulds, wipers and ammunition. One thousand axes, ploughs, hoes, wheels and cards each; and four hundred looms. There shall also be furnished, one ton of iron and two hundred weight of steel annually to each District for sixteen years.

ARTICLE XXI. A few Choctaw Warriors yet survive who marched and fought in the army with General Wayne, the whole number stated not to exceed twenty.

These it is agreed shall hereafter, while they live, receive twenty-five dollars a year; a list of them to be early as practicable, and within six months, made out, and presented to the Agent, to be forwarded to the War Department.

ARTICLE XXII. The Chiefs of the Choctaws who have suggested that their people are in a state of rapid advancement in education and refinement, and have expressed a solicitude that they might have the privilige of a Delegate on the floor of the House of Representatives extended to them. The Commissioners do not feel that they can under a treaty stipulation accede to the request, but at their desire, present it in the Treaty, that Congress may consider of, and decide the application.

Done, and signed, and executed by the commissioners of the United States, and the chiefs, captains, and head men of the Choctaw nation, at Dancing Rabbit Creek, this 27th day of September, eighteen and thirty.

Jno. H. Eaton, [L.S.]
Jno. Coffee, [L.S.]
Greenwood Leflore, [L.S.]
Musholatubbee, his x mark, [L.S.]
Nittucachee, his x mark, [L.S.]
Holarterhoomah, his x mark, [L.S.]
Hopiaunchahubbee, his x mark, [L.S.]
Zishomingo, his x mark, [L.S.]
Captainthalke, his x mark, [L.S.]
James Shield, his x mark, [L.S.]
Pistiyubbee, his x mark, [L.S.]
Hopiaintushker, his x mark, [L.S.]
Aryoshkermer, his x mark, [L.S.]
Shemotar, his x mark, [L.S.]
Hopiaisketina, his x mark, [L.S.]
Thomas Leflore, his x mark, [L.S.]
Arnokechatubbee, his x mark, [L.S.]
Shokoperlukna, his x mark, [L.S.]
Posherhoomah, his x mark, [L.S.]
Robert Folsom, his x mark, [L.S.]
Arharyotubbee, his x mark, [L.S.]
Kushonolarter, his x mark, [L.S.]
James Vaughan, his x mark, [L.S.]
Phiplip, his x mark, [L.S.]
Meshameye, his x mark, [L.S.]
Ishteheka, his x mark, [L.S.]
Iyacherhopia, his x mark, [L.S.]
Offahoomah, his x mark, [L.S.]
Archalater, his x mark, [L.S.]
Onnahubbee, his x mark, [L.S.]
Pisinhocuttubbee, his x mark, [L.S.]
Tullarhacher, his x mark, [L.S.]
Little leader, his x mark, [L.S.]
Maanhutter, his x mark, [L.S.]
Cowehoomah, his x mark, [L.S.]
Tillamoer, his x mark, [L.S.]
Imnullacha, his x mark, [L.S.]
Artopilachubbee, his x mark, [L.S.]
Shupherunchahubbee, his x mark, [L.S.]
Nitterhoomah, his x mark, [L.S.]
Oaklaryubbee, his x mark, [L.S.]
Pukumna, his x mark, [L.S.]
Arpalar, his x mark, [L.S.]
Holber, his x mark, [L.S.]
Hoparmingo, his x mark, [L.S.]
Isparhoomah, his x mark, [L.S.]
Tieberhoomah, his x mark, [L.S.]
Tishoholarter, his x mark, [L.S.]
Mahayarchubbee, his x mark, [L.S.]
Artooklubbetushpar, his x mark, [L.S.]
Metubbee, his x mark, [L.S.]
Arsarkatubbee, his x mark, [L.S.]
Issaterhoomah, his x mark, [L.S.]
Chohtahmatahah, his x mark, [L.S.]
Tunnuppashubbee, his x mark, [L.S.]
Okocharyer, his x mark, [L.S.]
Hoshhopia, his x mark, [L.S.]
Warsharshahopia, his x mark, [L.S.]
Maarshunchahubbee, his x mark, [L.S.]
Misharyubbee, his x mark, [L.S.]

Daniel McCurtain, his x mark, [L.S.]
Tushkerhercho, his x mark, [L.S.]
Hoktoontubbee, his x mark, [L.S.]
Nuknacrahookmarhee, his x mark, [L.S.]
Mingo hoomah, his x mark, [L.S.]
James Karnes, his x mark, [L.S.]
Tishohakubbee, his x mark, [L.S.]
Narlanalar, his x mark, [L.S.]
Pennasha, his x mark, [L.S.]
Inharyarker, his x mark, [L.S.]
Mottubbee, his x mark, [L.S.]
Narharyubbee, his x mark, [L.S.]
Yobalarunehahubbee, his x mark, [L.S.]
Holubbee, his x mark, [L.S.]
Robert Cole, his x mark, [L.S.]
Mokelareharhopin, his x mark, [L.S.]
Lewis Perry, his x mark, [L.S.]
Artonamarstubbe, his x mark, [L.S.]
Hopeatubbee, his x mark, [L.S.]
Hoshahoomah, his x mark, [L.S.]
Chuallahoomah, his x mark, [L.S.]
Joseph Kincaide, his x mark, [L.S.]
Eyarhocuttubbee, his x mark, [L.S.]
Hiram King, his x mark, [L.S.]
Ogla Enlah, his x mark, [L.S.]
Nultlahtubbee, his x mark, [L.S.]
Tuska Hollattuh, his x mark, [L.S.]
Kothoantchahubbee, his x mark, [L.S.]
Eyarpulubbee, his x mark, [L.S.]
Okentahubbe, his x mark, [L.S.]
Living War Club, his x mark, [L.S.]
John Jones, his x mark, [L.S.]
Charles Jones, his x mark, [L.S.]
Isaac Jones, his x mark, [L.S.]
Hocklucha, his x mark, [L.S.]
Muscogee, his x mark, [L.S.]
Eden Nelson, his x mark, [L.S.]
Heshohomme, his x mark, [L.S.]
John McKolbery, his x mark, [L.S.]
Benjm. James, his x mark, [L.S.]
Tikbachahambe, his x mark, [L.S.]
Aholiktube, his x mark, [L.S.]
Walking Wolf, his x mark, [L.S.]
John Waide, his x mark, [L.S.]
Big Axe, his x mark, [L.S.]
Bob, his x mark, [L.S.]
Tushkochaubbee, his x mark, [L.S.]
Ittabe, his x mark, [L.S.]
Tishowakayo, his x mark, [L.S.]
Folahommo, his x mark, [L.S.]
John Garland, his x mark, [L.S.]
Koshona, his x mark, [L.S.]
Ishleyohamube, his x mark, [L.S.]
Jacob Folsom, his x mark, [L.S.]
William Foster, his x mark, [L.S.]
Ontioerharcho, his x mark, [L.S.]
Hugh A. Foster, his x mark, [L.S.]
Pierre Juzan [L.S.]
Jno. Pitchlynn, jr., [L.S.]
David Folsom [L.S.]
Sholohommastube, his x mark, [L.S.]
Tesho, his x mark, [L.S.]
Lauwechubee, his x mark, [L.S.]
Hoshehammo, his x mark, [L.S.]
Olenowo, his x mark, [L.S.]
Ahekoche, his x mark, [L.S.]
Kaloshoube, his x mark, [L.S.]
Atoko, his x mark, [L.S.]
Ishtemeleche, his x mark, [L.S.]
Emthtohabe, his x mark, [L.S.]
Silas D. Fisher, his x mark, [L.S.]
Isaac Folsom, his x mark, [L.S.]
Hekatube, his x mark, [L.S.]
Hakseche, his x mark, [L.S.]
Jerry Carney, his x mark, [L.S.]
John Washington, his x mark, [L.S.]
Panshastubbee, his x mark, [L.S.]
P. P. Pitchlynn, his x mark, [L.S.]
Joel H. Nail, his x mark, [L.S.]
Hopia Stonakey, his x mark, [L.S.]
Kocohomma, his x mark, [L.S.]
William Wade, his x mark, [L.S.]
Panshaticlubbee, his x mark, [L.S.]
Ishmaryubbee, his x mark, [L.S.]
James McKing [L.S.]
Lewis Wilson, his x mark, [L.S.]
Istonarkerharcho, his x mark, [L.S.]
Hohinshamartarher, his x mark, [L.S.]
Kinsulachubbee, his x mark, [L.S.]
Emarhinstubbee, his x mark, [L.S.]
Gysaindalra, bm, his x mark, [L.S.]
Thomas Wall [L.S.]
Sam S. Worcester [L.S.]
Arlartar, his x mark, [L.S.]
Nittahubbee, his x mark, [L.S.]
Tishononan, his x mark, [L.S.]
Warsharchahoomah, his x mark, [L.S.]
Isaac James, his x mark, [L.S.]
Holittankchahubbee, his x mark, [L.S.]
Oklanowa, his x mark, [L.S.]
Neto, his x mark, [L.S.]
James Fletcher, his x mark, [L.S.]
Silas D. Pitchlynn, [L.S.]
William Trahorn, his x mark, [L.S.]
Toshkahemmitto, his x mark, [L.S.]
Tethetayo, his x mark, [L.S.]
Emokloshahopie, his x mark, [L.S.]
Tishoimita, his x mark, [L.S.]
Thomas W. Foster, his x mark, [L.S.]
Zadoc Brashears, his x mark, [L.S.]
Levi Perkins, his x mark, [L.S.]
Isaac Perry, his x mark, [L.S.]
Ishlonocka Hoomah, his x mark, [L.S.]

In presence of—

E. Breathitt, secretary to the Commission,
William Ward, agent for Choctaws,
John Pitchlyn, United States interpreter,
M. Mackey, United States interpreter,
Geo. S. Gaines, of Alabama,
R. P. Currin,
Luke Howard,
Sam S. Worcester,
Jno. N. Byrn,
John Bell,
Jno. Bond.

SUPPLEMENTARY ARTICLES TO THE PRECEDING TREATY.

Various Choctaw persons have been presented by the Chiefs of the nation, with a desire that they might be provided for. Being particularly deserving, an earnestness has been manifested that provision might be made for them. It is therefore by the undersigned commissioners here assented to, with the understanding that they are to have no interest in the reservations which are directed and provided for under the general Treaty to which this is a supplement.

As evidence of the liberal and kind feelings of the President and Government of the United States the Commissioners agree to the request as follows, (to wit) Pierre Juzan, Peter Pitchlynn, G.W. Harkins, Jack Pitchlynn, Israel Fulsom, Louis Laflore, Benjamin James, Joel H. Nail, Hopoynjahubbee, Onorlubbee, Benjamin Laflore, Michael Laflore and Allen Yates and wife shall be entitled to a reservation of two sections of land each to include their improvement where they at present reside, with the exception of the three first named persons and Benjamin Laflore, who are authorized to locate one of their sections on any other unimproved and unoccupied land, within their respective districts.

ARTICLE II. And to each of the following persons there is allowed a reservation of a section and a half of land, (to wit) James L. McDonald, Robert Jones, Noah Wall, James Campbell, G. Nelson, Vaughn Brashears, R. Harris, Little Leader, S. Foster, J. Vaughn, L. Durans, Samuel Long, T. Magagha, Thos. Everge, Giles Thompson, Tomas Garland, John Bond, William Laflore, and Turner Brashears, the two first named persons, may locate one section each, and one section jointly on any unimproved and unoccupied land, these not residing in the Nation; The others are to include their present residence and improvement.

Also one section is allowed to the following persons (to wit) Middleton Mackey, Wesley Train, Choclehomo, Moses Foster, D.W. Wall, Charles Scott, Molly Nail, Susan Colbert, who was formerly Susan James, Samuel Garland, Silas Fisher, D. McCurtain, Oaklahoma, and Polly Fillecuthey, to be located in entire sections to include their present residence and improvement, with the exception of Molly Nail and Susan Colbert, who are authorized to locate theirs, on any unimproved unoccupied land.

John Pitchlynn has long and faithfully served the nation in character of U. States Interpreter, he has acted as such for forty years, in consideration it is agreed, in addition to what has been done for him there shall be granted to two of his children, (to wit) Silas Pitchlynn, and Thomas Pitchlynn one section of land each, to adjoin the location of their father; likewise to James Madison and Peter sons of Mushulatubbee one section of land each to include the old house and improvement where their father formerly lived on the old military road adjoining a large Prerarie.

And to Henry Groves son of the Chief Natticache there is one section of land given to adjoin his father's land.

And to each of the following persons half a section of land is granted on any unoccupied and unimproved lands in the Districts where they respectivley live (to wit) Willis Harkins, James D. Hamilton, William Juzan, Tobias Laflore, Jo Doke, Jacob Fulsom; P. Hays, Samuel Worcester, George Hunter, William Train, Robert Nail and Alexander McKee.

And there is given a quarter section of land each to Delila and her five fatherless children, she being a Choctaw woman residing out of the nation; also the same quantity to Peggy Trihan, another Indian women residing out of the nation and her two fatherless children; and to the widow of Pushmilaha, and Pucktshenubbee, who were formerly distinguished Chiefs of the nation and for their children four quarter sections of land, each in trust for themselves and their children.

All of said last mentioned reservations are to be located under and by direction of the President of the U. States.

ARTICLE III. The Choctaw people now that they have ceded their lands are solicitous to get to their new homes early as possible and accordingly they wish that a party may be permitted to proceed this fall to ascertain whereabouts will be most advantageous for their people to be located.

It is therefore agreed that three or four persons (from each of the three districts) under the guidance of some discreet and well qualified person or persons may proceed during this fall to the West upon an examination of the country.

For their time and expenses the U. States agree to allow the said twelve persons two dollars a day each, not to exceed one hundred days, which is deemed to be ample time to make an examination.

If necessary, pilots acquainted with the country will be furnished when they arrive in the West.

ARTICLE IV. John Donly of Alabama who has several Choctaw grandchildren, and who for twenty years has carried the mail through the Choctaw Nation, a desire by the Chiefs is expressed that he may have a section of land, it is accordingly granted, to be located in one entire section, on any unimproved and unoccupied land.

Allen Glover and George S. Gaines licensed Traders in the Choctaw Nation, have accounts amounting to upwards of nine thousand dollars against the Indians who are unable to pay their said debts without distressing their families; a desire is expressed by the chiefs that two sections of land be set apart to be sold and the proceeds thereof to be applied toward the payment of the aforesaid debts. It is agreed that two sections of any unimproved and unoccupied land be granted to George S. Gaines who will sell the same for the best price he can obtain and apply the proceeds thereof to the credit of the Indians on their accounts due to the before mentioned Glover and Gaines; and shall make the application to the poorest Indian first.

At the earnest and particular request of the Chief Greenwood Laflore there is granted to David Haley one half section of land to be located in a half section on any unoccupied and unimproved land as a compensation, for a journey to Washington City with dispatches to the Government and returning others to the Choctaw Nation.

The foregoing is entered into, as supplemental to the treaty concluded yesterday.

Done at Dancing Rabbit Creek the 28th day of September, 1830.

Jno. H. Eaton, [L.S.]
Jno. Coffee, [L.S.]
Greenwood Leflore, [L.S.]
Nittucachee, his x mark, [L.S.]
Mushulatubbee, his x mark, [L.S.]
Offahoomah, his x mark, [L.S.]
Eyarhoenttubbee, his x mark, [L.S.]
Iyacherhopia, his x mark, [L.S.]
Holubbee, his x mark, [L.S.]
Onarhubbee, his x mark, [L.S.]
Robert Cole, his x mark, [L.S.]
Hopiaunchahubbee, his x mark, [L.S.]
David Folsom, [L.S.]
John Garland, his x mark, [L.S.]
Hopiahoomah, his x mark, [L.S.]
Captain Thalko, his x mark, [L.S.]
Pierre Juzan, [L.S.]
Immarstarher, his x mark, [L.S.]
Hoshimhamartar, his x mark, [L.S.]

For further information contact:

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